

1 COURT OF COMMON PLEAS

2 HAMILTON COUNTY, OHIO

3 - - -

4 STATE OF OHIO,

5 Plaintiff,

6 vs.

7 JASON GLENN,

8 Defendant.

Appeal No. C150515

Case No. B1404497

Volume 1

Voir Dire

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10 - - -

11 COMPLETE TRANSCRIPT OF PROCEEDINGS ON APPEAL

12 - - -

13 APPEARANCES:

14 CLAY THARP, ESQ.,
On behalf of the Plaintiff.

15 KORY JACKSON, ESQ.,
16 On behalf of the Defendant.

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20 BE IT REMEMBERED that upon the jury

21 trial of this cause, heard on Wednesday, July

22 15, 2015, before the Honorable Patrick T.

23 Dinkelacker, a said Judge of the Court of

24 Common Pleas, the following proceedings were

25 had, to wit:

MORNING SESSION - Wednesday, July 15, 2015

THE COURT: For the record, State of Ohio versus Jason Glenn, Case Number B1404497.

Mr. Jackson, you represent Mr. Glenn?

MR. JACKSON: That's correct, Judge.

THE COURT: This matter is on the docket for jury trial. We are in the process right now of putting a jury together.

Mr. Tharp, did you want to put something on the record, sir?

MR. THARP: Yes, Judge. I think in fairness to the defense and the State, we should put the offer or discussions placed on the record.

Right now, the defendant is facing two counts of trafficking in heroin, felony of the second degree, and possession of heroin, felony of the second degree. Each count, should the defendant be convicted, carries between two to eight years. I believe if he was

1 convicted of both, they would merge, so
2 he would be looking at a two to
3 eight-year sentence.

4 Today there has been extensive plea
5 discussions, although there has been a
6 Motion to Suppress, which generally would
7 negate any plea discussions from the
8 State and defense. Because there are
9 some ancillary matters, at this time the
10 defense had approached the State asking
11 for a one-year in prison agreed term.

12 The State has, based on the
13 defendant's record, decided it has no
14 interest.

15 As a counteroffer, the State has
16 two options available to the defendant.
17 The defendant can plead to trafficking in
18 heroin, a felony of the second degree.
19 We will dismiss the possession of heroin,
20 felony of the second degree, and just
21 leave the plea to the Court. The Court
22 can make any decision on sentencing.
23 However, it should be between two to
24 eight years.

25 Should the defense not wish to do

1 that, we would engage and ask the Court
2 to accept a plea to trafficking in heroin
3 as a felony of the third degree. And at
4 that time an 18-month agreed sentence
5 with, of course, dismissing possession of
6 heroin, Count 2, in exchange for that
7 plea.

8 Those are the plea discussions,
9 Judge. I know that, per procedure, most
10 courtrooms, once the jury hits the door,
11 that's the last opportunity the defense
12 has to make any sort of plea arrangement.

13 For the record, those are the plea
14 negotiations that have been discussed
15 today.

16 THE COURT: Thank you, Mr. Tharp.
17 Mr. Jackson, anything else, sir?

18 MR. JACKSON: Judge, I would
19 acknowledge that the plea offers were
20 made. They were discussed with Mr. Glenn
21 and Mr. Glenn chooses to maintain his not
22 guilty plea and wants to go forward with
23 trial.

24 THE COURT: Okay. I appreciate
25 that. Thank you very much.

1 The only thing I would add is, once
2 the jury does come in, I am not involved
3 in plea negotiations. That's fair. You
4 certainly are entitled to a jury trial.
5 If that's what you want, that's what you
6 will have. If you are convicted, it is
7 totally up to me as to whether or not the
8 presumption is -- Mr. Jackson is a very
9 good attorney -- presumption is that you
10 go to prison, my pick, anywhere from two
11 to eight years.

12 I am not sure we talked about the
13 Federal thing. I am not sure what all
14 that is. Quite frankly, I know you do,
15 Mr. Jackson. I don't know what that
16 means with the Federal thing.

17 I know, in front of me, you would
18 be looking at two to eight years, unless
19 you would overcome the presumption which,
20 I will be perfectly blunt, with your
21 record, it would be very hard for me to
22 do. So, that's where we are.

23 MR. THARP: There was also
24 discussion of some sort of stay, should
25 the defendant plea. I have nothing to do

1 with that. I would ask for the plea and
2 leave it to the Court, whether it was a
3 week or two. That's between the Court
4 and the defense. I don't know if that's
5 a question that's causing some sort of
6 delay. That's something I wished to
7 mention.

8 THE COURT: I have not been
9 involved in that. If he was to plead
10 today, I would have no problem with a
11 short stay before sentence would begin,
12 but that's all I can say about that.

13 MR. JACKSON: We understand, Your
14 Honor. I certainly didn't represent the
15 Court said something different from what
16 the prosecutor and I discussed. I
17 discussed that with my client.

18 THE COURT: I thought about this
19 earlier. I told you gentlemen 1 o'clock
20 tomorrow. That Judge's lunch thing that
21 I have, I am willing to move that around,
22 maybe stop in at five minutes -- think
23 about 11 o'clock, if you would. I want
24 to make sure we get it done. Friday at
25 noon, I have to leave.

1 Is that okay, Mr. Jackson?

2 MR. JACKSON: It is, Your Honor.

3 THE COURT: I appreciate that.

4 Thank you for your cooperation.

5 MR. THARP: Thank you, Judge.

6 (Prospective Jurors entered the
7 courtroom.)

8 THE COURT: Good afternoon. My
9 name is Judge Pat Dinkelacker. I will be
10 presiding over this case. You will be
11 with me until you are told otherwise.

12 Before I do anything else, I note
13 the hour is 1:25. I know you have been
14 here since early this morning. We
15 appreciate your patience. I can assure
16 you that nobody has been sitting around
17 twiddling their thumbs while you are up
18 there sitting around. We have had work
19 to do. This is the first time we could
20 get to you. I do appreciate your
21 patience and I do appreciate your
22 cooperation. Our system wouldn't work
23 without people like you. So, thank you
24 very much.

25 You have been summoned as

1 prospective jurors in a criminal case,
2 which is captioned State of Ohio versus
3 Jason Glenn, Case Number B1404497. It is
4 not my job to tell you what the case is
5 about. That will come as we go along
6 here. It is a two-count indictment.

7 The first count alleges trafficking
8 in heroin. The second count alleges
9 possession of heroin, not to tell you
10 that these are the facts. The alleged
11 facts, very briefly, so in case you have
12 been somehow connected to this, the
13 alleged facts are July 21, 2014,
14 Cincinnati police officers made a traffic
15 stop at 3417 Warsaw Avenue, and in the
16 course of that, they found drugs and
17 other drug paraphernalia and allegedly it
18 was found for Mr. Jason Glenn.

19 Hopefully, nobody has any contact
20 in regards to that, knows anything about
21 it. So, we will go from there.

22 By way of introduction, that's part
23 of my job is to introduce to you who is
24 involved in this case.

25 First of all, the prosecutor in

1 this case is Mr. Clay Tharp. Mr. Tharp,
2 obviously, you can introduce anybody that
3 you feel is appropriate.

4 MR. THARP: We just would ask that
5 officer Turner from Cincinnati Police
6 Department is allowed to sit as State's
7 representative.

8 THE COURT: That's fine. No
9 problem. Thank you very much.

10 The Defense Attorney is Mr. Kory
11 Jackson.

12 MR. JACKSON: Good afternoon.

13 THE COURT: Thank you.

14 The defendant in this matter is
15 Mr. Jason Glenn. Could you stand up for
16 a second, please, sir.

17 THE DEFENDANT: Good afternoon.

18 THE COURT: Thank you, sir. I
19 appreciate that.

20 As far as the staff, you have
21 already met Mr. Chris Collini. He is the
22 Bailiff. He is kind of in charge of the
23 courtroom, but don't let him know that.
24 If you have any problems, any questions,
25 any concerns whatsoever, Chris will help

1 you out. He has done this for a long
2 time. We have done this together for a
3 long time. He is very helpful. He
4 understands what the needs are of jurors.
5 If you need anything, check with Chris.
6 He will help you out. He is kind of in
7 your charge, so he will work with you.

8 My constable is Ms. Emily Albrink.
9 She is in charge of my civil docket. She
10 will be doing a lot of different things.
11 She works all the civil stuff. Chris
12 does the criminal stuff. She also is a
13 law student. And tomorrow she has an
14 exam. She is using some of her valuable
15 vacation time to study for an exam
16 tomorrow. So, she won't be here. But,
17 in the meantime, she is doing some other
18 things to help us along. And if you have
19 any problems, she is very, very nice.
20 She will help you out in any way she can
21 also.

22 And the most important person in
23 the courtroom -- you probably think I am
24 going to talk about myself now. That's
25 incorrect. The most important person in

1 the courtroom is my court reporter,
2 Ms. Ann Marie Stowers. I say that for a
3 reason. This is a Court of Common Pleas.
4 It is the highest trial court in the
5 State of Ohio. Everything that takes
6 place in this courtroom is taken down by
7 her and noted for the record for purposes
8 of appeal or for purpose of, later on, if
9 somebody needs to review something.

10 And I say that because as she is
11 taking everything down during the course
12 of this procedure in selecting the jury,
13 you will be asked to talk to us a little
14 bit and give us certain information, or
15 whatever, and I would ask that, first of
16 all, you keep your voice up so everybody
17 can hear you, especially her, and if you
18 can't hear something, let us know. We
19 will help you out with that.

20 This is a nice, easy procedure.
21 You are probably nervous if you have not
22 been through this before. But it will
23 work for you. You won't have problems.

24 The State of Ohio and the defendant
25 are entitled to jurors who approach this

1 case with open minds and agree to keep
2 their minds open until a verdict is
3 reached.

4 Jurors must be as free as humanly
5 possible from bias, prejudice or sympathy
6 and not be influenced by preconceived
7 ideas, either as to the facts or as to
8 the law.

9 You are all undoubtedly qualified
10 to serve as jurors. However, there may
11 be something that could disqualify you in
12 this particular case.

13 So very shortly, myself, as well as
14 counsel, will ask you some questions.
15 These questions are not designed to pry
16 into your personal affairs. We really
17 don't care about your personal affairs.
18 But they are to discover if you have any
19 knowledge of this particular case, if you
20 have any preconceived opinions that you
21 cannot lay aside, or if you have had any
22 experience that might cause you to
23 identify yourself with either party.

24 These questions are necessary to
25 assure each party a fair and impartial

1 jury. Along those lines, we start,
2 ladies and gentlemen, with an oath. I
3 ask that you all rise, raise your right
4 hand, and Mr. Collini will administer the
5 oath.

6 (Prospective jurors were sworn.)

7 THE COURT: Thank you very much.
8 Please be seated.

9 Now, ladies and gentlemen, the
10 attorneys and myself are going to ask you
11 some questions as we select the jurors
12 for this case.

13 Please relax. I mean that. I know
14 both of these attorneys. They are very
15 good people, very professional. They
16 know that I wouldn't let them get away
17 with being mean to you, anyway, not that
18 they would do it. Just relax, take it
19 easy and we will get through this
20 procedure. You are obviously not on
21 trial for anything, so, please, just
22 answer the questions as truthfully and as
23 best you can. You will not have any
24 problems with this procedure. Just
25 relax.

1 I am going to ask counsel, my
2 questions will be directed along the same
3 lines to the 12 people in the box. What
4 that means is, they are not any more
5 important than the people in the back.
6 And you will see, for one thing, we are
7 picking at least one alternate, maybe
8 two. There will be two other people from
9 the back already that are going to sit in
10 the chairs next to the jury box.

11 But to keep the thing moving, not
12 bog down a lot, you will see what I mean
13 very shortly. I will direct the
14 questions to the people in the box as our
15 counsel.

16 If you in the back have any
17 questions, any problems or any concerns,
18 unless it is a real pressing thing, just
19 make a note of that, if you will. When
20 you are called to get into the box and
21 replace somebody that has been excused,
22 for whatever reason, I will ask you, were
23 you able to hear the questions, do you
24 have any questions, any problems or any
25 concerns with anything that was asked and

1 at that time, ladies and gentlemen, then
2 you can tell me whatever you were
3 thinking, whatever you heard that you
4 think might be of concern. It does move
5 it along a lot quicker. I think you will
6 appreciate that, especially those sitting
7 back there on the hard bench. You guys
8 at least got cushions. Bear with us. It
9 is an important part of the procedure.

10 with that then, I will ask you a
11 few questions before I ask Mr. Tharp to
12 step up.

13 People in the box, do any of you
14 have any type of relationship whatsoever
15 with the parties that have been named so
16 far? Anybody?

17 Any relationship with either of the
18 lawyers? Anybody?

19 Mr. Tharp, the prosecutor;
20 Mr. Jackson, the defense attorney. Thank
21 you.

22 Any previous experience with
23 juries? Some of you have noted those on
24 the jury questionnaires which we have and
25 counsel have reviewed.

1 Has anybody been on previous jury,
2 just raise your hand if you have, in the
3 box. That makes that simple.

4 Does anybody have a personal
5 interest in the outcome of this case, for
6 whatever reason? Thank you.

7 As far as the length of the trial,
8 are you all first weekers? Anybody a
9 second weaker? You know what I mean by
10 second weeker? Good. I don't know that
11 it would, but you never know with juries,
12 if it goes into next week, for some
13 reason, it could, correct, Mr. Tharp,
14 Mr. Jackson? But we don't anticipate
15 that.

16 MR. THARP: Possible. Not
17 anticipated.

18 MR. JACKSON: That's correct, Your
19 Honor.

20 THE COURT: Anything is possible.
21 If it would spill into next week, is
22 everybody okay with coming back, say,
23 Monday, Tuesday? Everybody okay with
24 that? Thank you all very much.

25 As far as the schedule, we will go

1 today. You will not like this, but at
2 2 o'clock, I have to go next door for the
3 investiture of a judge who actually took
4 my place on the Court of Appeals. I have
5 to be there for, like, 10 or 15 minutes.
6 But that's all. At 2 o'clock we'll take
7 a quick break. I have to go over there.
8 You can watch me go down the hallway. I
9 will be there 10, 15 minutes, come back,
10 and from that point on, we will go no
11 later than 4:30. I never go later than
12 4:30 unless the jury asks me to go later,
13 unless you are in deliberations. If you
14 are not used to being downtown and stuff,
15 there are a lot of things going on, so I
16 found out over many years, I have done
17 that over many years and it has worked
18 out good. Does that fit with everybody's
19 schedule today?

20 Anybody have a baby or kid they
21 have to pick up at 3:30? That's more
22 important than this. Thank you.

23 As far as tomorrow goes, we have a
24 regular docket. We will ask you to come
25 back at 11:00, start at 11:00 and go

1 through until -- I have one other thing I
2 have to spend a couple minutes on, but we
3 will go until 4:30 and then Friday, we
4 will go until noon. I have something I
5 have to be at at 1:30. I need to take
6 care of that.

7 Everybody okay with that? You guys
8 are a great group of jurors. I
9 appreciate that. Thank you.

10 Does anyone have a problem hearing
11 or a physical situation that might
12 require some type of accommodation?

13 PROSPECTIVE JUROR HARLOW: I wear a
14 hearing aid.

15 THE COURT: I appreciate that. As
16 long as I make the people take the stand
17 and speak up, will you be okay?

18 PROSPECTIVE JUROR HARLOW: Yes.

19 THE COURT: We have a device, if,
20 for some reason, you are selected to be
21 on the jury, let us know and we will try
22 to get it to work properly or get one
23 from another courtroom. We want to make
24 sure you will be able to hear. Thank you
25 for bringing that to our attention. I

1 appreciate that.

2 Anybody else? Thank you.

3 Does anyone have any religious or
4 philosophical belief which would prevent
5 them from making a judgment regarding the
6 facts in this case? Thank you.

7 At the conclusion of the trial, I
8 will provide you with written
9 instructions of the law. You will apply
10 them to the facts as you determine them
11 to be. Would any of you have any
12 difficulty applying the law as I give it
13 to you, even if you disagree with the law
14 or think the law should be different?
15 That is important. You will see why as
16 we go along. Can you all follow the law?
17 Thank you all very much, ladies and
18 gentlemen. I appreciate it.

19 With that, I will turn it over to
20 Mr. Tharp. Whenever you are ready, sir.

21 MR. THARP: Good afternoon, ladies
22 and gentlemen. As the Judge said, my
23 name is Clay Tharp. I am an assistant
24 prosecutor here in Hamilton County. What
25 that means is that I have the great honor

1 and privilege, and it is also my job to
2 bring this case against the defendant
3 here.

4 So the defendant has a defense
5 attorney. I am the attorney for the
6 County, for the citizens of Hamilton
7 County, Ohio. Everybody understand?
8 This is a Voir Dire process. Voir Dire
9 is old French. It means speak the truth,
10 possibly to seek, to say. All it is, we
11 are trying to get to the bottom of
12 anyone's biases, if they have possible
13 biases.

14 I can guarantee you, if you were
15 seated where the defendant is, you would
16 want the fairest trial possible. I can
17 tell you this. You see a witness or a
18 victim to a crime, you would want that
19 same fair, unbiased trial. Everybody
20 understand?

21 So, as the Judge said, we ask you
22 questions and we are not trying to pry.
23 We don't want to embarrass anybody.
24 Sometimes little things in life, little
25 situations in life, create ideas in your

1 head that bleed over and make you think
2 things you don't even realize. Happens
3 all the time. We see it all the time.

4 Some of you may be excused. Please
5 don't speculate why. Doesn't mean you
6 gave a wrong answer. There is no right
7 answer. Just the truth. That's all we
8 are looking for. People may be excused
9 for any reason. Could be some sort of
10 strategy. Could be the answer you give
11 could also be because someone is
12 uncomfortable being on the jury after
13 questioning.

14 As the Judge says, this is an easy
15 process and, hopefully, it will go well.
16 Please, everyone in the box, if you come
17 into the box, please do not hesitate if
18 you have a question.

19 Oh, this reminds me of this. What
20 about this? That's totally fine. This
21 is the time. Okay. Everybody got it?

22 Can everyone hear me okay? To be
23 fair, as the Judge said, although the
24 Judge is very important here, of course,
25 the court reporter is taking all of this

1 down. I am very aware of it and I have
2 been scolded many times. I speak too
3 quickly, and I am a low talker.

4 Sometimes I mumble. If you do not
5 understand me, please stop me and say,
6 hey, speak up. It doesn't bother me at
7 all. I need that. Okay.

8 How did we get here? We allege
9 there was an event -- Judge told you
10 about it -- July of last year. Okay. He
11 gave you a skeletal outline of the facts.
12 Nobody is aware that occurred, was that
13 correct? Nobody is aware of this crime;
14 is that correct? We figure you don't
15 know much about it.

16 Following that event, there
17 eventually was an arrest. Okay? The
18 defendant was charged. Once the
19 defendant is charged, it went to the
20 Grand Jury. Grand Jury decided there was
21 enough just to indict. This is the
22 indictment, a charging instruct. It has
23 two counts. It is made up of elements.
24 All this means, it informs the defendant
25 what he is accused of, informs the State

1 what we have to prove. After that, it
2 goes to the AC and is randomly rolled,
3 randomly came to Judge Dinkelacker's
4 room.

5 I am assigned to this room for four
6 months. It came up during my
7 presentation. I don't have special
8 interest other than as a prosecutor, I
9 have to follow the case. That's the
10 situation. That's how we got here.
11 Everyone understand?

12 As the Judge said, there are two
13 counts. I won't get into it very deeply
14 I can tell you, each count is made of
15 elements. I think of them -- some people
16 bake or have a recipe. I can never
17 follow a recipe. Well, I think of it
18 like a chair. If you have a three-legged
19 stool, you get the stuff out, you have a
20 top, you have a two-legged stool, it is
21 incomplete.

22 If you have all the legs, all the
23 parts, you have enough feet for the
24 stool.

25 Here, if we fulfill all the

1 elements beyond a reasonable doubt --
2 that's our burden here, as the Judge
3 said, in a criminal proceeding here in
4 Hamilton County, Ohio -- we fulfill these
5 elements. If you stay on the jury, you
6 will swear an oath that you will convict,
7 beyond a reasonable doubt, if we fulfill
8 each and every element, each and every
9 crime.

10 If, in fact, we do that, that's a
11 big if, we have to put evidence on. We
12 have to prove this, State's burden to
13 prove it. If we do that, will everyone
14 here be able to convict? Are you able to
15 convict? And follow the law?

16 Because I can tell you, this is the
17 greatest system in the world. Many, many
18 people have died for the right we have
19 here to be judged by our peers. Judging
20 is difficult.

21 I tell you, at the end of this
22 trial, conclusion of this trial, I am
23 going to ask you to convict based on the
24 evidence. Or, the defense is going to
25 say don't convict. You have to make a

1 decision. We are asking you to make a
2 decision. That's a strong burden. Is
3 everyone here comfortable with that? We
4 are looking for the fairest trial. This
5 isn't a contest of personalities. It
6 doesn't matter if you like the defense
7 attorney's tie better than mine or my
8 shoes better. It is none of that.

9 It is based on the facts. Every
10 decision you make, ladies and gentlemen,
11 is based on evidence, direct,
12 circumstantial, et cetera.

13 At the end of the trial, you will
14 be given written instructions on how to
15 interpret evidence. Evidence is a couple
16 of things. It is either physical
17 evidence -- we are hoping to introduce
18 some physical evidence. We are hoping to
19 introduce possibly video -- but also
20 testimony. Testimony from here. Sworn
21 testimony.

22 Now, the Judge is like, in a way, a
23 referee, an excellent referee. He judges
24 what evidence can be introduced. If the
25 Judge allows in physical evidence, once

1 that is allowed in, that's evidence.

2 That's what you are to consider.

3 Once spoken evidence is allowed in,
4 once that evidence is spoken, once that
5 testimony is spoken, that becomes
6 evidence. Does everyone understand? And
7 that's what you make your decision on,
8 not anything else, just what occurred and
9 what was said. It is up to you to give
10 it the weight. Do you believe some,
11 part, none, all?

12 Once it comes in, that's what you
13 will make your decision on. That's why
14 we want to make sure there is no bias.
15 That's how you interpret evidence. You
16 wouldn't believe some of the things we
17 have heard here in court. Please don't
18 leave your common sense at home.
19 Sometimes people get tense, involved.
20 Sometimes they don't see things for what
21 they are because they become confused.
22 Sometimes they are what they are. We ask
23 you to use all of your life experiences.

24 How many of you have children? How
25 many have brothers and sisters? How many

1 of you have been involved in a family
2 dispute over who is telling the truth?
3 Never?

4 PROSPECTIVE JUROR GRIFFITH: When I
5 was a kid.

6 MR. THARP: I am asking, even when
7 you were a child, everyone has learned to
8 judge credibility, situations, who is
9 telling the truth. Everybody has
10 developed a radar for truth, credibility
11 and common sense. We are asking you to
12 use all of those things.

13 The Judge will give you written
14 instructions. It is basically common
15 sense. We have all developed that radar.
16 We have to. Everyone agree they are
17 going to use that during this trial?
18 Okay. Great.

19 Now, the Judge mentioned there are
20 two counts of trafficking in heroin,
21 possession of heroin. Have to tell you,
22 I will not to get into it too much.

23 Count 1, trafficking in heroin,
24 that's what we describe in the business
25 as prep for sale. We don't expect there

1 to be evidence, there is a wiretap,
2 somebody is doing this. This is
3 trafficking. We believe drugs were
4 recovered that were prepared for sale.
5 Everybody good with that? Okay.

6 Now, no one here knows me. I never
7 had you on a case as a witness, victim,
8 associate, family?

9 And nobody knows Mr. Jackson,
10 correct? No one knows Officer Turner. A
11 couple other people will not be that
12 involved in the trial, not that many
13 folks we believe will testify.

14 Does anyone know Officer James
15 Adams from the Cincinnati Police
16 Department? Possibly Brian Snowden. He
17 is the evidence technician. He works in
18 the Hamilton County coroner's lab. He
19 may testify. But I don't doubt it. We
20 don't have very many other witnesses in
21 this matter.

22 I am jumping ahead a little bit.
23 Has anyone here been charged, accused,
24 convicted of a crime of dishonesty, a
25 felony?

1 Great.

2 MR. THARP: Has anybody ever been
3 charged with anything?

4 PROSPECTIVE JUROR WILLIAMS: OVI.

5 MR. THARP: I saw that in the
6 questionnaire. It is a crime among
7 regular people. I am sure that wasn't
8 very satisfactory to you.

9 PROSPECTIVE JUROR WILLIAMS:

10 Personally, no.

11 MR. THARP: Police were involved?

12 PROSPECTIVE JUROR WILLIAMS:

13 Correct.

14 MR. THARP: Your interaction with
15 them, I am sure, was satisfactory but
16 based on that situation, do you have a
17 bias for or against police officers, or
18 anything negative that would affect your
19 judgment?

20 PROSPECTIVE JUROR WILLIAMS: No.

21 MR. THARP: Can you hear a police
22 officer's testimony and judge it fairly?

23 PROSPECTIVE JUROR WILLIAMS:

24 Absolutely.

25 MR. THARP: Do you have any bias?

1 PROSPECTIVE JUROR WILLIAMS: No.

2 MR. THARP: That is the type of
3 answer we are looking for. Has anybody
4 here had a speeding ticket? Really?
5 This is the slowest jury I think I have
6 ever had. That's great.

7 Okay. Now, you have had
8 interaction with a police officer; is
9 that correct? You see what I am saying?
10 These interactions, these things can't
11 possibly create bias. The vast portion
12 of the jury, hold your hands up again.

13 Anybody had more than three
14 speeding tickets? All right. There you
15 go. How many?

16 PROSPECTIVE JUROR STERWERF: Four,
17 five. Hard to keep track.

18 MR. THARP: More than one in one
19 day? That's when you are moving. Those
20 that had speeding tickets, your
21 interactions with the police there, did
22 anybody have a bad reaction, one that
23 might create a bias? Did anybody get
24 stopped, get let go? Great.

25 But you had tickets, otherwise.

1 See if you can learn a lesson. Based on
2 those interactions, ladies and gentlemen,
3 do you have any bias? Any bad
4 interactions?

5 Sir, you were released?

6 PROSPECTIVE JUROR WHITE: I was
7 released. I feel I have been pulled over
8 four or five times. I feel it was
9 because of my car, what I was driving.
10 Didn't feel I was doing anything wrong
11 and they were kind of profiling.

12 MR. THARP: That's fair. You said,
13 based on your car. Why do you say, your
14 car?

15 PROSPECTIVE JUROR WHITE: I felt I
16 drive a nicer car as opposed to what's
17 used to being seen, somebody by my
18 profile.

19 MR. THARP: What do you mean?

20 PROSPECTIVE JUROR WHITE: Younger
21 African-American.

22 MR. THARP: You may have noticed,
23 sir, in this case, the defendant in this
24 case is African-American; is that
25 correct?

1 PROSPECTIVE JUROR WHITE: Correct.

2 MR. THARP: I will have you note
3 this defendant was driving a car that was
4 stopped. would that create a problem
5 with you?

6 PROSPECTIVE JUROR WHITE: I feel
7 like there are times you are stopped
8 because of who you are.

9 MR. THARP: All right. Let's back
10 up. You are Mr. White, correct?

11 PROSPECTIVE JUROR WHITE: Correct.

12 MR. THARP: You said you were
13 stopped because of your car, you were
14 profiled because you are African-American
15 and young?

16 PROSPECTIVE JUROR WHITE: Correct.
17 I was stopped once. There was a
18 policeman pulled behind me. I knew he
19 was behind me, sure not to do anything.
20 He followed me a mile and-a-half, pulled
21 me over, shined a light in my car, said I
22 was driving erratically. I knew he was
23 behind me. I knew I wasn't driving
24 erratically.

25 MR. THARP: You weren't charged?

1 PROSPECTIVE JUROR WHITE: I wasn't
2 charged.

3 MR. THARP: You didn't have any
4 drugs in your car at that time?

5 PROSPECTIVE JUROR WHITE: No.

6 MR. THARP: Not saying you would.
7 You didn't?

8 PROSPECTIVE JUROR WHITE: No.

9 MR. THARP: Not driving OVI?

10 PROSPECTIVE JUROR WHITE: No.

11 MR. THARP: You don't believe you
12 were speeding?

13 PROSPECTIVE JUROR WHITE: Sure I
14 wasn't.

15 MR. THARP: You would have been
16 given a ticket or warrant.

17 In this case we are alleging the
18 defendant had drugs in his car. Does
19 that change your opinion? In this case,
20 he had drugs in his trunk. Does that
21 change your opinion? If police officers
22 can be right, can they pull the correct
23 person over?

24 PROSPECTIVE JUROR WHITE: I guess.
25 I feel if they don't have a real reason

1 to pull over a person unless they have --
2 I don't know how they can say, based on
3 looking at this person or looking at that
4 person, this person has drugs.

5 MR. THARP: You are exactly right.
6 That's an important point. What if a
7 person did commit a traffic violation and
8 were pulled over for that? Based on
9 that, they found drugs. What would you
10 think of that?

11 PROSPECTIVE JUROR WHITE: That's
12 fine.

13 MR. THARP: Way it is?

14 PROSPECTIVE JUROR WHITE: Right.

15 MR. THARP: That's what the State
16 will allege. Is that good with you?

17 PROSPECTIVE JUROR WHITE: Fine.

18 MR. THARP: If the State is able to
19 prove that beyond a reasonable doubt,
20 what would you say?

21 PROSPECTIVE JUROR WHITE: Cool with
22 that.

23 MR. THARP: Would you be able to
24 convict?

25 PROSPECTIVE JUROR WHITE: Yes.

1 MR. THARP: The Judge touched on, I
2 believe, does anyone have a particular
3 political or religious belief that would
4 prevent them from sitting in judgment of
5 another? Anybody go to a certain church
6 that would not allow you to judge, judge
7 not lest ye be judged. It is a heavy
8 burden to judge someone. Is everyone
9 here willing to do that? I usually say
10 this, I have to tell you, it is not fair
11 to ask questions without telling you
12 about myself.

13 I grew up in Louisville, Kentucky.
14 I moved here for law school. I was
15 planning on going back. I went out one
16 evening and ran into a young lady.
17 Suddenly, things changed while I have
18 been staying here.

19 I have been doing this 11 years
20 now. I have worked in the office longer
21 than that. I am a talker. I speak too
22 fast. I apologize. Almost every trial,
23 I drop something. Just because sometimes
24 the prosecution is clumsy does not mean a
25 person is not guilty. Everyone agree?

1 Anybody here watch CSI? Everybody
2 here familiar with the show, CSI? It has
3 created a weird situation with the jury
4 sometimes.

5 This isn't a magic show. We are
6 not going to have lasers and fog
7 machines. We are not going to
8 fingerprint water and do all kind of
9 things. So neat. We all wish that was
10 available.

11 There is a little bit of CSI. We
12 had drugs sent to the lab to be weighed
13 and identified. Other than that, we will
14 not present any neat technical things.
15 No DNA. No fingerprints. Everybody
16 comfortable with that? Everybody
17 understand? What we will have is regular
18 police work. Everybody okay with that?
19 Let's talk about drugs. Is anybody here
20 of the opinion that all drugs should be
21 legal for everyone? There are a couple
22 states, a bunch of states that have said,
23 okay, in our state, Colorado, Washington,
24 maybe Washington, D.C. as well, those
25 states can smoke marijuana. Anybody

1 agree or hope for that here? Anybody
2 have a strong feeling at all? We got
3 nothing. Okay.

4 Let's back this up. Here in Ohio,
5 this isn't dealing with marijuana. We
6 are dealing with heroin. Heroin is a
7 really powerful drug. I don't know if
8 all of you are aware it has become a
9 problem in our community. Does everyone
10 here agree heroin should be outlawed?
11 Anyone agree it should not be?

12 At the end of the trial, the Judge
13 said we will ask you to follow the law
14 whether you agree with it or not. State
15 believes it will be beyond a reasonable
16 doubt that the defendant is guilty,
17 violated this law of heroin. Does the
18 fact it involves drugs cause a problem?
19 Everybody is okay with the drug law in
20 Ohio as it is now? Anybody have a
21 problem with it?

22 THE COURT: Is this a good time to
23 take a short break I need?

24 MR. THARP: Sure, Judge.

25 THE COURT: Why don't we do that.

1 I apologize. I will be next door.

2 First of all, don't talk about the
3 case. You don't know about the case, but
4 you have heard this admonition a number
5 of times. Forget about anything you have
6 heard so far. Don't talk about the case.
7 You can talk about Frazier winning the
8 home run derby.

9 Don't talk about the case. By 2:15
10 I will be back over here, get you back
11 in, keep this moving along in Judge
12 Martin's room. We will take a short
13 recess. Hang around. I won't talk. I
14 will walk through.

15 Have you been back to my jury room
16 yet? Probably out in the hall.

17 Emily, since Chris isn't here, is
18 going to take you back to the jury room.
19 Hang out there for a little bit and we
20 will get back to you.

21 Thank you very much. Don't have to
22 go in any order. Come up and go out this
23 door here.

24 (Prospective jurors left the
25 courtroom.)

1 THE COURT: Please be seated. Let
2 the record reflect the jury left the
3 courtroom.

4 Anything for the record?

5 MR. JACKSON: No.

6 THE COURT: Mr. Tharp?

7 MR. THARP: No.

8 THE COURT: Thank you for your
9 patience. Be back at quarter after.

10 (A break was taken.)

11 (Prospective Jurors entered the
12 courtroom.)

13 THE COURT: Thank you for that
14 accommodation. I appreciate it.
15 Unfortunately, I didn't get to watch the
16 swearing in because lawyers were talking
17 and they went on, and on, and on. It was
18 very nice of you. I did forget --
19 apologize -- it is in my stuff to tell
20 you later. During the course of this
21 trial, you are not allowed to talk to
22 anybody involved, any witnesses, any
23 parties, anybody involved. So I have to
24 ask of you all, did anybody talk to
25 anybody, the lawyers, witnesses, people

1 involved, anybody in the audience during
2 our break? Anybody do that?

3 I will admonish you later. There
4 are a whole bunch of admonitions I have
5 to tell you about. During the course of
6 this, those selected to be the jurors,
7 what you hear from this witness stand in
8 the courtroom and the law I give to you,
9 that's what you make your decision on.
10 To be talking to other people might cause
11 a problem.

12 Anything on that, Mr. Tharp?

13 MR. THARP: Nothing, Your Honor.

14 THE COURT: Mr. Jackson?

15 MR. JACKSON: No, Your Honor.

16 THE COURT: Thank you all very
17 much. Apologize for not telling you
18 about that earlier.

19 With that, Mr. Tharp.

20 MR. THARP: Good afternoon again.
21 The Judge said lawyers go on and on. I
22 will say this. The State has the burden
23 of reasonable doubt. I am not going to
24 get into reasonable doubt too much. It
25 is not my job. It is job of the Judge to

1 explain reasonable doubt. It is the
2 highest burden of proof we have in our
3 legal system. It is not beyond a shadow
4 of a doubt. Basically, it means what
5 would you make your most important
6 decisions on. Would you get married to
7 this person. Would you buy this house.
8 Not no doubt, no reasonable doubt.
9 Beyond a reasonable doubt. That's a high
10 burden. This is not an easy job. It is
11 hard to convince people where you are
12 going to lunch, much less convict of a
13 crime.

14 But I will tell you that's what we
15 believe we are going to do. The burden
16 is on us. Defense doesn't have to say a
17 word. Great, right? They don't have to
18 present any evidence. They don't have to
19 ask a question or do anything. The
20 burden is on the State. That's why the
21 State goes first.

22 As the Judge cut down on a lot of
23 questions he may have had, I cut down on
24 a lot of questions. It takes longer for
25 me. We talked about, this is really two

1 drug charges.

2 Ladies and gentlemen, this is a
3 serious matter. The Judge will give an
4 instruction, probably a small one, you
5 are not to have sympathy or bias for
6 either party. But this is a serious
7 matter. You are not to consider
8 punishment or that type of thing.

9 There will be a lot of
10 instructions. Is everybody prepared?
11 This is the highest trial court in Ohio,
12 the great State of Ohio. Is everyone
13 comfortable with the seriousness of this
14 matter? It is not a murder, nothing
15 violent. This is a super serious matter.
16 Everyone understand the gravity of the
17 situation? Everyone comfortable judging
18 someone in that situation?

19 Now, I tried and tried to come up
20 with a better way to do this, but I
21 can't, to keep my mind clear. I will ask
22 you each individual questions. I will
23 start off with Mr. Sterwerf.

24 At least maybe four, five tickets?

25 PROSPECTIVE JUROR STERWERF:

1 Something like that.

2 MR. THARP: You have never been on
3 a jury before?

4 PROSPECTIVE JUROR STERWERF: No.

5 MR. THARP: Never been involved in
6 the judicial process at all?

7 PROSPECTIVE JUROR STERWERF: No.

8 MR. THARP: You said here on your
9 questionnaire police officers are good
10 people, you believe.

11 PROSPECTIVE JUROR STERWERF: Sure.

12 MR. THARP: Can a police officer
13 makes mistakes?

14 PROSPECTIVE JUROR STERWERF:
15 Absolutely.

16 MR. THARP: Are they regular
17 people?

18 PROSPECTIVE JUROR STERWERF: Yeah.

19 MR. THARP: I agree. The Judge
20 will instruct all of you, should you stay
21 on the jury, how to judge someone's
22 credibility. You are not to give police
23 officers any more credibility just
24 because they are wearing a badge, but
25 even though they are police officers, can

1 someone judge them with the same level,
2 but a higher standard? Can everyone do
3 that? Will everyone promise to do that?

4 I can tell you State's case relies
5 on police officers' testimony. There is
6 a video we are oping to play.

7 Occasionally, in the middle of trial, a
8 computer won't work, but that's what we
9 are expecting to do. Everybody
10 understand that?

11 Ball State; I have visited there.
12 Neat campus. David Letterman. At the
13 time you filled this out, you did not
14 want to be a juror, correct?

15 PROSPECTIVE JUROR STERWERF: Yes.

16 MR. THARP: Do you still feel that
17 way?

18 PROSPECTIVE JUROR STERWERF: No,
19 probably not.

20 MR. THARP: Would you like to be a
21 juror?

22 PROSPECTIVE JUROR STERWERF: Yes.

23 MR. THARP: Can you be a fair and
24 impartial juror?

25 PROSPECTIVE JUROR STERWERF: Yes.

1 MR. THARP: What are you going to
2 base your decision on at the end of the
3 trial?

4 PROSPECTIVE JUROR STERWERF: Facts.

5 MR. THARP: The evidence presented?

6 PROSPECTIVE JUROR STERWERF: Yes.

7 MR. THARP: Nothing outside?

8 PROSPECTIVE JUROR STERWERF:

9 Correct.

10 MR. THARP: Can you hear this case
11 fairly and impartially for both sides,
12 the defense and the State?

13 PROSPECTIVE JUROR STERWERF: Yes.

14 MR. THARP: If, in fact, the State
15 proves the case beyond a reasonable
16 doubt, will you be able to convict?

17 PROSPECTIVE JUROR STERWERF: Yes.

18 MR. THARP: Thank you.

19 Mr. Williams, I spoke to you a
20 little bit. You were in broadcasting,
21 went to something else?

22 PROSPECTIVE JUROR WILLIAMS:

23 Correct. Right out of high school
24 I went to Ohio Center for Broadcasting
25 School. WARM 98. That's still a radio

1 station. Did a bit of that.

2 Once I graduated, it was determined
3 it was more understood how difficult it
4 is to break into that industry. I felt
5 at the time, I had a small child, I was a
6 high school dad. I had to keep things
7 going in the direction of providing
8 versus what I actually wanted to do so
9 that direction changed in my life all for
10 the better. Not in broadcasting anymore,
11 unfortunately.

12 MR. THARP: Did you want your own
13 radio show?

14 PROSPECTIVE JUROR WILLIAMS: My
15 expertise was radio; specifically, on-air
16 personalities and production.

17 MR. THARP: Never know what's going
18 to happen when you walk out the front
19 door. So that's great. You have spoken
20 about your other matter. You were a
21 victim of a crime; is that correct?

22 PROSPECTIVE JUROR WILLIAMS:
23 Correct.

24 MR. THARP: Was that able to come
25 to a conclusion? Was it solved, for lack

1 of better term?

2 PROSPECTIVE JUROR WILLIAMS: The
3 identity theft situation. I wouldn't say
4 it was solved in regards to somebody
5 getting blamed for their actions for the
6 actual criminality part, but it was
7 resolved. I can say that, as far as
8 personal information and credit
9 reporting, that was taken care of.

10 MR. THARP: I know. It stinks.
11 The police weren't involved in that
12 matter?

13 PROSPECTIVE JUROR WILLIAMS: The
14 only time police were involved is, I was
15 required by Direct TV because it was
16 against one of their employees or
17 contractors, it was thought to be that's
18 how it originated. Anyway, I did have to
19 create a police report for Direct TV and
20 for creditors.

21 MR. THARP: At the time, you didn't
22 go to Court?

23 PROSPECTIVE JUROR WILLIAMS: No.

24 MR. THARP: Are you a member of the
25 Greater Cincinnati Aquarium Society?

1 PROSPECTIVE JUROR WILLIAMS: I am.

2 MR. THARP: You are the first
3 person I met who is. Tell me about that.

4 PROSPECTIVE JUROR WILLIAMS: Well,
5 all it is is a local club of hobbyists,
6 basically, for fish tanks, fish and
7 saltwater/freshwater fish.

8 MR. THARP: Do you have a bunch of
9 tanks?

10 PROSPECTIVE JUROR WILLIAMS: I do.
11 Currently, I do. One is 220 gallons.
12 The other is a 20-gallon fish tank. At
13 any time I could have a thousand gallons
14 of tanks going. Kind of scaling it down
15 now.

16 MR. THARP: You believe you would
17 be a fair juror because you believe in
18 fairness and equality; is that correct?

19 PROSPECTIVE JUROR WILLIAMS:
20 Correct.

21 MR. THARP: You understand we are
22 in the fairness and equality business.
23 What I mean is, I am not allowed, let's
24 say, to prejudice someone but I am trying
25 to present facts that prove a person's

1 guilt. You understand that that may not
2 seem fair, but that's the way it is. If
3 it is done legally, someone has done
4 something wrong, that's how you prove
5 something, if the Judge allows things in.
6 Can you hear this case fairly and
7 impartially without bias?

8 PROSPECTIVE JUROR WILLIAMS: Yes.

9 MR. THARP: Will you do that?

10 PROSPECTIVE JUROR WILLIAMS: Yes.

11 MR. THARP: Understand the
12 difference there, what I mean?

13 PROSPECTIVE JUROR WILLIAMS: I do.

14 MR. THARP: Okay. Mr. Williams,
15 thank you. Appreciate it.

16 Is it Ms. Felss? Hi. How are you?

17 PROSPECTIVE JUROR FELSS: I am
18 good. How are you?

19 MR. THARP: Haven't heard much from
20 you. Is that good or bad?

21 PROSPECTIVE JUROR FELSS:
22 Probably good.

23 MR. THARP: You have never been
24 involved in the judicial system at all;
25 is that correct?

1 PROSPECTIVE JUROR FELSS: Domestic
2 relations when I was divorced, but not
3 this.

4 MR. THARP: This is different.
5 Rules are different.

6 PROSPECTIVE JUROR FELSS: Yes.
7 That's why I didn't put it down.

8 MR. THARP: You have never been a
9 juror before?

10 PROSPECTIVE JUROR FELSS: Correct.

11 MR. THARP: You have a relative who
12 is president of Sprinkles. What's
13 Sprinkles?

14 PROSPECTIVE JUROR FELSS: It is a
15 cupcake company located in Los Angeles
16 and she is president and we are trying to
17 move the business eastward.

18 MR. THARP: Hadn't heard of that.
19 Hopefully, I will soon.

20 PROSPECTIVE JUROR FELSS: I hope
21 so. I keep asking when will it come to
22 Cincinnati. Great company.

23 MR. THARP: Sounds like they will
24 do well. In reading your questionnaire,
25 you believe you would be a good juror.

1 Do you believe that?

2 PROSPECTIVE JUROR FELSS: Yes.

3 MR. THARP: What do you base your
4 decision on?

5 PROSPECTIVE JUROR FELSS: Based on
6 the information presented through the
7 trial.

8 MR. THARP: At this point today,
9 has there been any evidence presented?

10 PROSPECTIVE JUROR FELSS: No.

11 MR. THARP: Without that evidence,
12 as we sit right now, the defendant
13 himself, I can tell you right now, is not
14 guilty.

15 PROSPECTIVE JUROR FELSS: Correct.

16 MR. THARP: Does everyone
17 understand why? There will be no
18 evidence of his guilt presented. I have
19 to tell you. We believe we will present
20 that evidence right now prior to that
21 evidence going on. Does everyone
22 understand that's the deal? So, based on
23 that evidence, should the State present
24 that evidence the defendant is guilty
25 beyond a reasonable doubt, would you be

1 able to convict?

2 PROSPECTIVE JUROR FELSS: Yes.

3 MR. THARP: Can you sit in judgment
4 of another?

5 PROSPECTIVE JUROR FELSS: Yes.

6 MR. THARP: Ms. Morrison.

7 PROSPECTIVE JUROR RAMAHI: Ramahi
8 is my married name.

9 MR. THARP: You came on as Ms.
10 Morrison?

11 PROSPECTIVE JUROR RAMAHI: Yes. I
12 updated that with the Board of Elections.
13 I didn't know it was different.

14 MR. THARP: You have never been a
15 juror before. Do you have some family
16 members who were victims of crime?

17 PROSPECTIVE JUROR RAMAHI: Yes.

18 MR. THARP: Were police involved in
19 those matters?

20 PROSPECTIVE JUROR RAMAHI: Yes.

21 MR. THARP: Sounds like none of
22 those events were satisfactory.
23 Particularly with your husband.

24 PROSPECTIVE JUROR RAMAHI: Correct.

25 MR. THARP: Were police able to

1 make an arrest in any of those matters?

2 PROSPECTIVE JUROR RAMAHI: No,
3 wasn't any fault of the police. It was
4 the perpetrators in the cases.

5 MR. THARP: There was no closure
6 for you on those matters?

7 PROSPECTIVE JUROR RAMAHI:
8 Correct.

9 MR. THARP: Sorry to hear that.
10 Police were involved. Do you have a bias
11 against or for police based on that?
12 Your interaction was satisfactory and
13 okay?

14 PROSPECTIVE JUROR RAMAHI: Correct.

15 MR. THARP: Did they do their job?

16 PROSPECTIVE JUROR RAMAHI:
17 Absolutely.

18 MR. THARP: Sometimes they might
19 not do their job?

20 PROSPECTIVE JUROR RAMAHI: I am
21 sure sometimes they don't.

22 MR. THARP: In this case, we will
23 say the police did their job. Are you
24 comfortable with that?

25 PROSPECTIVE JUROR RAMAHI: Yes.

1 MR. THARP: Do you have bias for or
2 against police based on your interaction?

3 PROSPECTIVE JUROR RAMAHI: No.

4 MR. THARP: When you filled out
5 your questionnaire some time ago, you
6 believed you would not be a good juror.

7 PROSPECTIVE JUROR RAMAHI: Correct.

8 MR. THARP: Based on everything
9 you have heard here, what the case is
10 about, you heard a little bit what it is
11 about, do you think you might change your
12 mind?

13 PROSPECTIVE JUROR RAMAHI: I think
14 so. I think I made that decision
15 thinking if it had to do with children.
16 I think I could be fair.

17 MR. THARP: Could you be fair and
18 impartial?

19 PROSPECTIVE JUROR RAMAHI: Yes.

20 MR. THARP: Fair to the defense?

21 PROSPECTIVE JUROR RAMAHI:
22 Absolutely.

23 MR. THARP: Fair to the State?

24 PROSPECTIVE JUROR RAMAHI:
25 Absolutely.

1 MR. THARP: If you remain on the
2 jury, you will go back to the jury room,
3 follow instructions. At that time, you
4 will have your own individual thought of
5 guilt or innocence. The Judge will
6 direct you how you will work together.

7 Understand that?

8 PROSPECTIVE JUROR RAMAHI: Yes.

9 MR. THARP: Now, you are not to
10 walk in with pride or an idea of what
11 happens and not listening. At the end of
12 our discussions, if you believe the
13 defendant is guilty and no one else does,
14 would you stay with that?

15 PROSPECTIVE JUROR RAMAHI:
16 Absolutely.

17 MR. THARP: But if you believe the
18 opposite, he is not guilty and everyone
19 else believes he is guilty, would you
20 stay with that?

21 PROSPECTIVE JUROR RAMAHI: Yes.

22 MR. THARP: Would you make your
23 decision based on facts and evidence as
24 opposed to emotion?

25 PROSPECTIVE JUROR RAMAHI: Yes.

1 MR. THARP: Are you sure you can do
2 that?

3 PROSPECTIVE JUROR RAMAHI: Yes.

4 MR. THARP: Thank you.

5 Good afternoon, Ms. Harlow. How
6 are you today?

7 PROSPECTIVE JUROR HARLOW: Good.

8 MR. THARP: I am a talker. Have
9 you been able to hear me?

10 PROSPECTIVE JUROR HARLOW: Gets a
11 little low. I have been trying. Are you
12 comfortable you will be able to hear
13 everything during the trial?

14 PROSPECTIVE JUROR HARLOW: Yes. I
15 can have my hearing aid adjusted.

16 MR. THARP: Do you believe that
17 will help you?

18 PROSPECTIVE JUROR HARLOW: Yes.

19 MR. THARP: Comfortable sitting
20 here a couple days listening to the
21 evidence?

22 PROSPECTIVE JUROR HARLOW: Yes.

23 MR. THARP: You have never been a
24 juror before. Ever been called?

25 PROSPECTIVE JUROR HARLOW: I was

1 called, didn't sit on a jury.

2 MR. THARP: Ever sit in a situation
3 like this where you were questioned?

4 PROSPECTIVE JUROR HARLOW: Yes, it
5 was about 30 years ago, or so. I had
6 been involved with a sexual assault case
7 with one of my children, so I was
8 excused.

9 MR. THARP: I am sorry. Have you
10 been involved in the criminal justice
11 system through your family, then?

12 PROSPECTIVE JUROR HARLOW: Juvenile.

13 MR. THARP: Based on that
14 situation, are you going to judge this
15 impartially?

16 PROSPECTIVE JUROR HARLOW: Yes.

17 MR. THARP: For or against the
18 State?

19 PROSPECTIVE JUROR HARLOW:
20 Depending on the evidence
21 presented. I would be able to make the
22 decision.

23 MR. THARP: Will you make the
24 decision on evidence presented, if any?

25 PROSPECTIVE JUROR HARLOW:

1 Absolutely.

2 MR. THARP: You were involved in a
3 lawsuit, a civil lawsuit; is that
4 correct?

5 PROSPECTIVE JUROR HARLOW: My
6 grandson was struck and killed by a bus.

7 MR. THARP: So sorry to hear that,
8 ma'am. That was a civil matter?

9 PROSPECTIVE JUROR HARLOW: Yes.

10 MR. THARP: Rules are different,
11 everything is different. Did that go to
12 trial?

13 PROSPECTIVE JUROR HARLOW: Did not
14 go to court.

15 MR. THARP: Obviously, this is
16 different. You understand? Will that
17 situation have any bearing on your
18 decision here?

19 PROSPECTIVE JUROR HARLOW: No.

20 MR. THARP: You believe at the time
21 you filled out the questionnaire, you
22 would be a fair and impartial juror; is
23 that the same?

24 PROSPECTIVE JUROR HARLOW: Yes.

25 MR. THARP: Say you are

1 open-minded?

2 PROSPECTIVE JUROR HARLOW:

3 Absolutely.

4 MR. THARP: We are going to ask you
5 to take a small moment in time here from
6 last year and judge what happened that
7 day. We'll have you look at a certain
8 set of facts. Are you comfortable with
9 that?

10 PROSPECTIVE JUROR HARLOW: Yes.

11 MR. THARP: Ms. Harlow, thank you.

12 Ms. Richter, hi. Haven't heard
13 much from you. Is that good or bad?

14 PROSPECTIVE JUROR RICHTER: Should
15 be good.

16 MR. THARP: I am sure it is. What
17 area of town is the place where your work
18 is located?

19 PROSPECTIVE JUROR RICHTER: Where I
20 work is Glendale.

21 MR. THARP: I thought it was a
22 school I was familiar with. It is not
23 the same.

24 Never been a juror before?

25 PROSPECTIVE JUROR RICHTER: Never.

1 MR. THARP: Never been involved in
2 the judicial system, correct?

3 PROSPECTIVE JUROR RICHTER: Other
4 than my husband.

5 MR. THARP: Excuse me. That's a
6 civil matter?

7 PROSPECTIVE JUROR RICHTER: Yes.

8 MR. THARP: Ongoing civil matter?

9 PROSPECTIVE JUROR RICHTER: It is.

10 MR. THARP: That's a civil matter.

11 PROSPECTIVE JUROR RICHTER: I do
12 understand.

13 MR. THARP: Totally different.
14 would that have any bearing?

15 PROSPECTIVE JUROR RICHTER: Bearing
16 it would have is, the person suing us is
17 a police officer. If I would be honest,
18 I would say 60 percent/40 percent in
19 terms of police officers at this point.

20 MR. THARP: Does that create a
21 problem with hearing testimony of police
22 officers?

23 PROSPECTIVE JUROR RICHTER:
24 slightly, yes.

25 MR. THARP: Does that mean all

1 police officers are bad?

2 PROSPECTIVE JUROR RICHTER:

3 Absolutely not. My father-in-law
4 was a great police officer.

5 MR. THARP: You happened to have a
6 situation with one who was not?

7 PROSPECTIVE JUROR RICHTER: Who
8 takes advantage of the position, yes.

9 MR. THARP: Thank you. Do you
10 think you think you can hear this
11 impartially?

12 PROSPECTIVE JUROR RICHTER: I do.
13 Does not have anything to do with the
14 other.

15 MR. THARP: Mr. Standiford, how are
16 you?

17 PROSPECTIVE JUROR STANDIFORD: Fine.

18 MR. THARP: Could you hear this
19 fairly and impartially?

20 PROSPECTIVE JUROR STANDIFORD: Yes.

21 MR. THARP: What would you make the
22 decision on?

23 PROSPECTIVE JUROR STANDIFORD:

24 Evidence and instructions from the
25 Judge.

1 MR. THARP: Anything else?

2 PROSPECTIVE JUROR STANDIFORD: No.

3 MR. THARP: Great. Never been a
4 juror before?

5 PROSPECTIVE JUROR STANDIFORD: No.

6 MR. THARP: Never been involved in
7 the judicial system at all?

8 PROSPECTIVE JUROR STANDIFORD: No.

9 MR. THARP: All these questions
10 about police officers, quite frankly,
11 most all the witnesses we have happen to
12 be police officers in this case. You are
13 neutral. What do you mean by neutral?

14 PROSPECTIVE JUROR STANDIFORD: I
15 think I have an understanding what police
16 are involved with. A close friend of
17 mine was a police officer. That is a
18 tough job.

19 MR. THARP: I highly agree with you
20 there. What does that mean, tough job?
21 How would that affect your thinking in
22 this matter?

23 PROSPECTIVE JUROR STANDIFORD: To
24 be open that a police officer can't save
25 the world, just the way a judge or a

1 lawyer can't save the world. Life is not
2 always black and white.

3 MR. THARP: In this case, we are
4 hoping to produce straightforward facts.
5 Can sometimes facts be straightforward?
6 Can A plus B equals C, sometimes?

7 PROSPECTIVE JUROR STANDIFORD: Not
8 sure about the answer to that question.
9 I am sure the facts can be
10 straightforward.

11 MR. THARP: Would you be
12 comfortable in a drug case?

13 PROSPECTIVE JUROR STANDIFORD: Yes.

14 MR. THARP: You believe you could
15 be a fair and impartial juror?

16 PROSPECTIVE JUROR STANDIFORD: Yes.

17 MR. THARP: Believe that?

18 PROSPECTIVE JUROR STANDIFORD: Yes.

19 MR. THARP: Follow the law even if
20 your personal feelings don't agree with
21 the law?

22 PROSPECTIVE JUROR STANDIFORD: Yes.

23 MR. THARP: I asked everyone
24 earlier about the laws we are dealing
25 with here. Are you comfortable with

1 those laws?

2 PROSPECTIVE JUROR STANDIFORD: Yes.

3 MR. THARP: Thank you.

4 Ms. Wilcox, good afternoon.

5 Went to UC. Never been a juror

6 before?

7 PROSPECTIVE JUROR WILCOX: Correct.

8 MR. THARP: Never been involved in
9 the judicial system, but your car was
10 broken into?

11 PROSPECTIVE JUROR WILCOX: I have
12 been involved in the judicial system. I
13 have been a witness.

14 MR. THARP: What type of case?

15 PROSPECTIVE JUROR WILCOX: Sexual
16 assault case. I am a sexual assault
17 nurse examiner.

18 MR. THARP: I meant personally.

19 PROSPECTIVE JUROR WILCOX: No, just
20 professionally.

21 MR. THARP: Sorry. Should have
22 picked up on that. Sorry. Okay. Your
23 situation there with your employment,
24 think that will create a bias for you?

25 PROSPECTIVE JUROR WILCOX: No.

1 MR. THARP: I wouldn't think so. I
2 have to ask, do you serve as a witness
3 occasionally in court?

4 PROSPECTIVE JUROR WILCOX: Yes.

5 MR. THARP: How many times have you
6 been a witness?

7 PROSPECTIVE JUROR WILCOX: About
8 four times.

9 MR. THARP: You are comfortable
10 here?

11 PROSPECTIVE JUROR WILCOX: No.

12 MR. THARP: Makes you less
13 comfortable?

14 PROSPECTIVE JUROR WILCOX: Yes.

15 MR. THARP: This is going to be
16 about it for questions for you. Why are
17 you not comfortable here?

18 PROSPECTIVE JUROR WILCOX: I am
19 more comfortable in the hospital doing my
20 job.

21 MR. THARP: Burden to be here?

22 PROSPECTIVE JUROR WILCOX: Not a
23 burden, just uncomfortable.

24 MR. THARP: As the Judge said, this
25 is a situation, it is important, it is

1 very serious. This is not a violent
2 situation. The work you do -- we will
3 not have that type of stuff. Still not
4 comfortable?

5 PROSPECTIVE JUROR WILCOX: Not
6 really.

7 MR. THARP: Do you want to be here?

8 PROSPECTIVE JUROR WILCOX: It is
9 okay.

10 MR. THARP: Will you hear the facts
11 fairly and impartially if you stay on the
12 jury?

13 PROSPECTIVE JUROR WILCOX: Yes.

14 MR. THARP: You thought you would
15 be a good juror. Do you still think
16 that?

17 PROSPECTIVE JUROR WILCOX: Uh-huh.

18 MR. THARP: Does anybody just
19 really not want to be here? I mean,
20 honestly. Sometimes people get a
21 postcard, oh, no, why? Anybody feel
22 that? See, that's honest. Does everyone
23 understand when I say this is the
24 greatest system in the world. It is such
25 a great honor and duty, it is so

1 important. Does everyone understand the
2 gravity?

3 I don't believe this case probably
4 ever would or has made the paper or
5 national headlines. It doesn't make it
6 less important. Everybody comfortable
7 being here for this trial? Sorry. It
8 really struck a chord.

9 You have been a victim of a crime?

10 PROSPECTIVE JUROR WILCOX: Yes.

11 MR. THARP: Car was broken into.
12 Is that all?

13 PROSPECTIVE JUROR WILCOX: Yeah.
14 It has been broken into a couple times.

15 MR. THARP: I understand. Police
16 involved, anything involved?

17 PROSPECTIVE JUROR WILCOX: Not
18 anything involved. Police involved.

19 MR. THARP: Ms. Wilcox, although it
20 seems like you may not want to be here,
21 are you comfortable being here?

22 PROSPECTIVE JUROR WILCOX: I am all
23 right working outside my comfort zone.

24 MR. THARP: Comfortable if you stay
25 here?

1 PROSPECTIVE JUROR WILCOX:

2 Absolutely.

3 MR. THARP: Ms. Wilcox, thank you.

4 Ms. Johnson, how are you?

5 PROSPECTIVE JUROR JOHNSON: I am

6 fine.

7 MR. THARP: Graduated from Xavier?

8 PROSPECTIVE JUROR JOHNSON: Didn't

9 graduate yet.

10 MR. THARP: Still attending?

11 PROSPECTIVE JUROR JOHNSON: Yes.

12 MR. THARP: That's great. Rude to
13 ask you, you are 20 years old. You
14 already got called for jury duty? Should
15 buy a lottery ticket. Some people wait
16 forever. I never even get called.
17 That's great. You have never been called
18 as a juror before. That would be wild.
19 Never been involved in the judicial
20 system; is that correct?

21 PROSPECTIVE JUROR JOHNSON: No.

22 MR. THARP: Are you comfortable
23 being here?

24 PROSPECTIVE JUROR JOHNSON: Yes.

25 MR. THARP: Would you be fair and

1 impartial with both the State and
2 defense?

3 PROSPECTIVE JUROR JOHNSON: Yes.

4 MR. THARP: If the State produces
5 evidence beyond a reasonable doubt the
6 defendant is guilty, can you convict?

7 PROSPECTIVE JUROR JOHNSON: Yes. I
8 smile, naturally.

9 MR. THARP: You have a beautiful
10 smile, so you should. Are you
11 comfortable being here, doing that?

12 PROSPECTIVE JUROR JOHNSON: Yes.

13 MR. THARP: Okay. Can you be fair
14 and impartial to both the State and
15 defense?

16 PROSPECTIVE JUROR JOHNSON: Yes.

17 MR. THARP: Thank you, Ms. Johnson.
18 Ms. Griffith, hi. How are you?
19 You have been called?

20 PROSPECTIVE JUROR GRIFFITH: Yes.

21 MR. THARP: Did you get this far?

22 PROSPECTIVE JUROR GRIFFITH: No.

23 MR. THARP: Did you ever get into a
24 courtroom? Sometimes people get called.

25 PROSPECTIVE JUROR GRIFFITH: Yes.

1 MR. THARP: How many times?

2 PROSPECTIVE JUROR GRIFFITH: Once
3 in the courtroom.

4 MR. THARP: Never been involved in
5 the judicial system?

6 PROSPECTIVE JUROR GRIFFITH: That's
7 correct.

8 MR. THARP: You have an opinion
9 about police officers. Do you think that
10 will cause a bias for you?

11 PROSPECTIVE JUROR GRIFFITH: I
12 don't.

13 MR. THARP: Can you tell me why
14 that wouldn't create a bias? Sounds
15 biased here.

16 PROSPECTIVE JUROR GRIFFITH: I said
17 they can, sometimes. I have run across
18 people that aren't that way and people
19 who are that way. I had a couple
20 situations. I may have said, I have
21 never been a victim of a crime. Now that
22 I am sitting here, I can think of several
23 things that happened where the police
24 have been involved.

25 MR. THARP: If you are comfortable

1 sharing, what type of things have come to
2 mind?

3 PROSPECTIVE JUROR GRIFFITH: There
4 was a peeping tom where I lived. I had
5 police officers come. They were friendly
6 except for one, who was very arrogant.
7 It took a while to get his help.

8 MR. THARP: Other than that?

9 PROSPECTIVE JUROR GRIFFITH: Other
10 than that, that was the case.

11 MR. THARP: Sorry to hear about
12 that bad interaction. Will that create a
13 bias for you?

14 PROSPECTIVE JUROR GRIFFITH: I
15 don't think so.

16 MR. THARP: Do you expect every
17 officer who gets here will be nice or
18 arrogant?

19 PROSPECTIVE JUROR GRIFFITH: They
20 are going to be who they are.

21 MR. THARP: How will you judge
22 their credibility?

23 PROSPECTIVE JUROR GRIFFITH: By
24 what they say and through demeanor.

25 MR. THARP: The Judge will instruct

1 you also, use your common sense.

2 PROSPECTIVE JUROR GRIFFITH: I
3 think so.

4 MR. THARP: You believe you would
5 be a good juror?

6 PROSPECTIVE JUROR GRIFFITH: I do.

7 MR. THARP: Fair and impartial to
8 both sides?

9 PROSPECTIVE JUROR GRIFFITH: Yes.

10 MR. THARP: Sorry about the peeping
11 tom matter. That's terribly scary. Did
12 you find him?

13 PROSPECTIVE JUROR GRIFFITH: I
14 don't believe so. If they did, I didn't
15 hear about it. Happened again. I didn't
16 hear about it. A neighbor told me they
17 saw somebody come out behind my house in
18 the middle of the night. Not sure what
19 he was doing up in the middle of the
20 night. But I haven't heard anything
21 since. I got a dog, and that helped.

22 MR. THARP: Thank you. Sorry about
23 that situation.

24 Mr. Flukman, you are in civil
25 engineering?

1 PROSPECTIVE JUROR FLUKMAN: yes.

2 MR. THARP: Take a lot of
3 information, you have to sort it out, put
4 it in order, make things happen?

5 PROSPECTIVE JUROR FLUKMAN: Yes.

6 MR. THARP: This isn't that large a
7 trial. Hopefully we will be able to
8 present a concise, direct case. If
9 things get screwed up, will you be
10 comfortable with that?

11 PROSPECTIVE JUROR FLUKMAN: Yes.

12 MR. THARP: Just in 2012, you were
13 called as a juror?

14 PROSPECTIVE JUROR FLUKMAN: Yes.
15 Just sitting there for two weeks about
16 four or five days ago.

17 MR. THARP: Could be worse. Is
18 that the only other time you have been
19 called?

20 PROSPECTIVE JUROR FLUKMAN: That
21 was the only other time.

22 MR. THARP: You had your vehicle
23 broken into?

24 PROSPECTIVE JUROR FLUKMAN: Yes.

25 MR. THARP: called police, called

1 911?

2 PROSPECTIVE JUROR FLUKMAN: Yes,
3 they came and dusted for fingerprints.

4 MR. THARP: Never solved it?

5 PROSPECTIVE JUROR FLUKMAN: No.

6 MR. THARP: You had a civil
7 lawsuit?

8 PROSPECTIVE JUROR FLUKMAN: Yes.

9 MR. THARP: That was totally
10 different, understand, different rules,
11 different situations?

12 PROSPECTIVE JUROR FLUKMAN: Yes.

13 MR. THARP: Do you think you would
14 be a good juror?

15 PROSPECTIVE JUROR FLUKMAN: Yes.

16 MR. THARP: You stated you believe
17 justice needs to be served, I believe,
18 correct?

19 PROSPECTIVE JUROR FLUKMAN: Yes.

20 MR. THARP: What do you mean?

21 PROSPECTIVE JUROR FLUKMAN: If I
22 said black or white, facts are there, it
23 is logical, involves the law, that's
24 justice.

25 MR. THARP: If evidence is there

1 beyond a reasonable doubt. If not, you
2 wouldn't convict?

3 PROSPECTIVE JUROR FLUKMAN:

4 Correct.

5 MR. THARP: At the end of the
6 trial, if we ask you to go up or down?

7 PROSPECTIVE JUROR FLUKMAN: Yes.

8 MR. THARP: Thank you, sir. You
9 can be fair and impartial?

10 PROSPECTIVE JUROR FLUKMAN: Yes.

11 MR. THARP: Mr. White, you spoke
12 earlier. Without going into our previous
13 conversation, you stated earlier you did
14 not think you would be a good juror; is
15 that correct?

16 PROSPECTIVE JUROR WHITE: Yes.

17 MR. THARP: Not really interested.
18 Do you feel that way?

19 PROSPECTIVE JUROR WHITE: Not that
20 I don't feel I would be a good juror. It
21 is like I said earlier, I kind of feel a
22 way toward police officers, stuff like
23 that, but previously said there are good
24 people and bad people.

25 MR. THARP: You believe you may

1 have a bias against police officers,
2 correct?

3 PROSPECTIVE JUROR WHITE: Somewhat.

4 MR. THARP: This is the second time
5 you brought that up in this form,
6 correct? You don't think you could get
7 past that?

8 PROSPECTIVE JUROR WHITE: I mean,
9 it is not even a bias. I mean, if I am
10 driving, most people driving see a police
11 officer, they feel some type of way about
12 it, even if you are not doing anything
13 wrong, you know.

14 As far as police officers, I think
15 there are police officers that do their
16 job, they are good at it, they will help
17 you, if you are in need.

18 I feel there are others that take
19 advantage of their position, do things
20 that aren't necessary sometimes.

21 MR. THARP: That's a belief you
22 have?

23 PROSPECTIVE JUROR WHITE: Yes.

24 MR. THARP: You can't get around
25 that? That's fair, not right or wrong?

1 PROSPECTIVE JUROR WHITE: Correct.

2 MR. THARP: Judge, I move for
3 cause.

4 THE COURT: At certain times during
5 the trial, the attorneys and myself need
6 to talk about things outside your
7 presence. This is one of those times.
8 Part of the trial.

9 Stand up, stretch. You are welcome
10 to do that.

11 (Discussion was held off the
12 record at side bar.)

13 MR. THARP: Thank you. I
14 appreciate that. Thank you very much.

15 Ladies and gentlemen, thank you so
16 much for your attention. I think
17 Mr. Jackson may have some questions for
18 you. If he does, please show him the
19 same kind attention as you showed me.

20 Thank you very much.

21 With one exception, we would pass
22 for cause.

23 THE COURT: Thank you very much.

24 Mr. Jackson, whenever you are
25 ready, sir.

1 MR. JACKSON: Good afternoon. Good
2 afternoon. Apologize. I am suppose to
3 direct comments here, but if I ask
4 someone a question, think about it. If
5 you happen to get in the box, please
6 remind me, say, there is something you
7 want to address with me or Mr. Tharp.

8 My name is Kory Jackson. It is my
9 honor to represent Jason Glenn in this
10 matter.

11 None of you served on a jury
12 before; is that correct?

13 I will start out, this is a long,
14 tedious process. Quite frankly, what I
15 know about this trial, this may be the
16 longest process. Bear with us.

17 Does anybody need to take a break?
18 Everybody okay to go a little longer? I
19 will try to be as brief as I can.

20 So, this is a trial. This is a
21 courtroom. Mr. Tharp represents the
22 State. I represent Mr. Glenn, but we are
23 all part of the system, what we call the
24 adversary system.

25 So adversarial means Mr. Tharp and

1 I are against each other. We don't
2 dislike each other. He is trying to
3 prove his case, like I am trying to
4 present my case as well. In that sense,
5 we are on equal footing. Does anybody
6 have a problem with my characterization
7 of that? When we get to this point, when
8 we are in trial, he is working his
9 hardest to legally prove his case. I am
10 doing the opposite.

11 It comes to you, as the jurors, to
12 make the decision. You are the judges of
13 this case. You judge the facts. The
14 Judge will give you the law, but I would
15 disagree only slightly, that you are the
16 most important people in this room
17 because you determine whether Mr. Glenn
18 is guilty or innocent.

19 So, with that said, I urge you,
20 even though Mr. Tharp is the prosecutor,
21 as I said, we are equals in this case.
22 You have to judge the case he presents,
23 the quality of the evidence, the
24 witnesses that he presents, just like if
25 I present evidence or if I present

1 witnesses.

2 They are equals, except for your
3 determination of their credibility, the
4 determination of the quality of the
5 evidence.

6 Does anybody have a problem with
7 that? So, in that sense, Mr. Tharp --
8 and Mr. Tharp and I don't disagree about
9 very much in this case. But Mr. Tharp
10 stated to you, I believe, that he has the
11 burden of proof. Does everybody recall
12 him saying that? Does anybody have a
13 strong feeling about what that means?

14 Okay. I will throw out a general
15 statement. I don't think Mr. Tharp will
16 disagree with me that saying that he has
17 the burden of proof means that he has to
18 prove every element of this case beyond a
19 reasonable doubt. I don't have to prove
20 anything. Mr. Glenn doesn't have to
21 prove anything. It is all up to Mr.
22 Tharp as a prosecutor in this case. If
23 he doesn't prove one element beyond a
24 reasonable doubt or many elements beyond
25 a reasonable doubt, then you must find

1 Mr. Glenn not guilty. Does anyone have
2 trouble with that?

3 Does that cause anybody any issues
4 if they were to serve on this jury? What
5 that means, and I will break it down
6 further. I don't have to present any
7 evidence. I don't have to call
8 witnesses. I don't have to ask any
9 questions, if I choose not to.

10 Even if I don't do any of those
11 things, you still, if you are called to
12 serve, have to determine whether Mr.
13 Tharp has put on a case that has provided
14 you with proof beyond a reasonable doubt.

15 So, is everybody okay with that
16 concept, generally? And I would like to
17 touch upon reasonable doubt also. The
18 judge will instruct you what reasonable
19 doubt is when we get to that point in the
20 trial towards the end.

21 I don't want to go too far into
22 what reasonable doubt means, but I do
23 feel sometimes people have a little bit
24 of trouble with that concept. Does
25 anyone feel like they cannot apply or

1 cannot discern what reasonable doubt
2 means?

3 Question. Ms. Wilcox, you said you
4 are a nurse who does sexual assault
5 cases. Do you ever testify in what they
6 call Juvenile Court?

7 PROSPECTIVE JUROR WILCOX: No.

8 MR. JACKSON: Does anyone know
9 about cases where children are taken from
10 parents either from abuse or neglect?

11 This is Court of Common Pleas.
12 Court of Common Pleas covers a lot;
13 domestic relations, although not this
14 courtroom, is covered by Court of Common
15 Pleas. So is Juvenile Court.

16 One of the things in Juvenile Court
17 is called dependency court when a parent
18 is determined to be neglectful or abusive
19 of children. It can be determined that
20 child is a ward of the State. That child
21 is dependent -- that's why it is called
22 dependency court -- on, really, the
23 County, Hamilton County, for protection,
24 sustenance, things like that.

25 So, in those situations, for the

1 government prosecutors who represent the
2 government in that case as well, before a
3 child can be taken from their parents and
4 sometimes permanently, they have to have
5 a trial, just like this, generally
6 without a jury.

7 In those cases, the standard the
8 judge or magistrate has to apply is
9 what's called clear and convincing
10 evidence. Is that magistrate or judge
11 convinced that this child is ultimately
12 being abused or neglected such that they
13 should be taken from the parent. To take
14 a child permanently from their parents is
15 below the standard you all have to apply
16 in this case. If clear and convincing
17 evidence is there, you can take a child
18 from their parent forever.

19 Proof beyond a reasonable doubt is
20 even higher. That's the proof. That is
21 what Mr. Tharp has to prove to you all
22 before you can find Mr. Glenn guilty.
23 Anyone have any problems with that
24 concept so far?

25 I will ask you to raise your hands,

1 show of hands, does anybody think that
2 there are a set of circumstances that
3 they may admit that they did something
4 that they did not do? I see some people
5 coming on board.

6 Ms. Ramahi, what would be some
7 circumstances you can think of where you
8 would say you did something that you
9 didn't do?

10 PROSPECTIVE JUROR RAMAHI: To be
11 honest, I was thinking of my kids when I
12 said yes.

13 MR. JACKSON: That's a perfect
14 example. Let's talk about that. If
15 someone said they would do something bad
16 to your child, all you had to do was say,
17 I did something, would that be something
18 that would motivate you to do it, to say
19 you did it?

20 PROSPECTIVE JUROR RAMAHI: Yes.

21 MR. JACKSON: You care about your
22 children. There is something that would
23 trigger in you the desire to protect your
24 children or to see them be taken care of
25 that you would be willing to say you did

1 something you didn't do for their
2 protection and well-being.

3 Does anybody else agree? Anybody
4 have something similar? I saw hands
5 before. Mr. Standiford, you raised your
6 hand. Is there something, if presented
7 to you, a set of circumstances came your
8 way, you may admit something you wouldn't
9 do.

10 PROSPECTIVE JUROR STANDIFORD: I
11 wasn't thinking of myself. I heard of
12 cases where a husband would take charge
13 if a wife did something. Sometimes a
14 case where someone was terminally ill,
15 would take charge.

16 MR. JACKSON: You were thinking of
17 another family member, a person someone
18 else may say they did someone they didn't
19 do for that person's protection?

20 PROSPECTIVE JUROR STANDIFORD: I
21 have seen stories like that in TV shows.

22 MR. JACKSON: Ms. Johnson.

23 PROSPECTIVE JUROR JOHNSON: If
24 people are bribed.

25 MR. JACKSON: If something is

1 offered of value to that person, that may
2 be something that makes them say they did
3 something they didn't do. Anybody else
4 think of any scenarios?

5 Mr. White, you are contemplating.
6 Is there something you can think of?

7 PROSPECTIVE JUROR WHITE: Basically,
8 what you said, where if it is something
9 of value, if I say I did something or
10 plea to a lesser, maybe if I say I did
11 it, I won't get as much of a crime.

12 MR. JACKSON: I brought it
13 specifically to the court system. To say
14 you did something you didn't do.

15 PROSPECTIVE JUROR WHITE: To keep
16 from going all the way to trial.

17 MR. JACKSON: I think I understand.

18 PROSPECTIVE JUROR JOHNSON: Maybe
19 for, like, scared.

20 MR. JACKSON: Maybe something
21 motivates you or someone else to say
22 something that they didn't do. Has
23 anyone ever heard of a person claiming
24 that in trial they said they did
25 something but they really didn't do it?

1 MR. THARP: I object at this point
2 to a specific reference to a specific
3 instance in another trial.

4 THE COURT: I will overrule it at
5 this point.

6 MR. JACKSON: I want to be clear.
7 I am talking in generalities. Has anyone
8 heard of famous trials, not trials you
9 may have dealt with personally, but a
10 famous situation where a person at one
11 point said they committed a crime but
12 later said I did not do it, and said they
13 did it for specific reasons? Anybody
14 hear of the Central Park Five?

15 MR. THARP: Renew my objection
16 based on incident.

17 THE COURT: Citing a specific case?

18 MR. THARP: Specific case doesn't
19 have anything to do with this matter.

20 THE COURT: It is Voir Dire, ladies
21 and gentlemen. These are questions,
22 ultimately, you will be asked to decide
23 what occurred in this case. At this
24 point, I think it is okay.

25 MR. THARP: Thank you, Judge.

1 THE COURT: Go ahead.

2 MR. JACKSON: Ms. Wilcox, do you
3 recall the case, in general?

4 PROSPECTIVE JUROR WILCOX: Vaguely.

5 MR. JACKSON: What do you recall
6 about the case?

7 PROSPECTIVE JUROR WILCOX: Don't
8 put me on the spot.

9 MR. JACKSON: There were five
10 because there were five children, and
11 they were charged with a heinous crime.
12 It was a jogger in Central Park, Central
13 Park trial. If you recall, correct me if
14 I am wrong, in that case, to a person
15 they said, I didn't do it, but when they
16 were interviewed, they said they did do
17 it. Does everybody remember that? Some
18 people remember.

19 Does anyone think that there are no
20 set of circumstances where they would say
21 they did something, that if they said
22 they did something that they didn't do,
23 does anyone think there is nothing
24 someone could present that would make you
25 say you did something that you didn't do?

1 Mr. Sterwerf, how are you?

2 PROSPECTIVE JUROR STERWERF: I am
3 good.

4 MR. JACKSON: I have way more
5 speeding tickets than you do. I will
6 tell you I deserve every one. I always
7 wanted them not to give me one. It is an
8 unfortunate consequence of traveling a
9 lot.

10 In those situations, did you ever
11 take any of your traffic tickets to
12 trial? Did you ever go to court?

13 PROSPECTIVE JUROR STERWERF: No.

14 MR. JACKSON: Did you ever have any
15 bad experience from a police officer?

16 PROSPECTIVE JUROR STERWERF: No.

17 MR. JACKSON: By bad experience,
18 they talked to you meanly, felt that you
19 didn't do something you were supposed to?

20 PROSPECTIVE JUROR STERWERF: No.

21 MR. JACKSON: In your
22 questionnaire, you mentioned operations
23 management. Could you explain that to
24 me?

25 PROSPECTIVE JUROR STERWERF: Say,

1 like, in manufacturing, purchasing,
2 scheduling, even being, like, the head of
3 a small company.

4 MR. JACKSON: When you said that, I
5 was thinking of the logistics commercial.
6 Is that what you deal with?

7 MR. JACKSON: Some of that. Deal
8 with some logistics.

9 MR. JACKSON: Okay. So do you, in
10 your field, do you have to get a product
11 from point A to point B?

12 PROSPECTIVE JUROR STERWERF: Yes.

13 MR. JACKSON: Sometimes has to go
14 through many different handlers to get it
15 there?

16 PROSPECTIVE JUROR STERWERF: Sure.

17 MR. JACKSON: If somebody messes up
18 something, that may make the package not
19 get there.

20 PROSPECTIVE JUROR STERWERF: It is
21 a possibility, yes.

22 MR. JACKSON: Trying to make sure I
23 understand what it is. That's okay.
24 Have you or a close family member ever
25 been involved in any type of legal

1 process?

2 PROSPECTIVE JUROR STERWERF: No.

3 MR. JACKSON: Never a victim of a
4 crime?

5 PROSPECTIVE JUROR STERWERF: I did
6 think of something while we were up here.
7 We did have a carpet cleaner one point in
8 time go through my wife's jewelry box.
9 Filed it with police and insurance.

10 MR. JACKSON: Did police follow up
11 with you?

12 PROSPECTIVE JUROR STERWERF: Not
13 really. They could never find the
14 gentleman that took the jewelry.

15 MR. JACKSON: Assuming you never
16 went to court.

17 PROSPECTIVE JUROR STERWERF: No.

18 MR. JACKSON: Did that change your
19 idea what kind of reporting a crime and
20 what crime investigation should look like
21 or were your expectations met?

22 PROSPECTIVE JUROR STERWERF: Of
23 course, our expectations were met. If
24 you can't find the individual who did the
25 crime, there is not a whole lot you can

1 do.

2 MR. JACKSON: Did you feel the
3 police did what they could do to find
4 that person?

5 PROSPECTIVE JUROR STERWERF: As far
6 as I know, yes.

7 MR. JACKSON: Let me ask you
8 something. Obviously, we talked about
9 being here, we are now cogs in the
10 justice system. What would you think if
11 Mr. Glenn didn't take the stand?

12 PROSPECTIVE JUROR STERWERF: That's
13 his choice.

14 MR. JACKSON: Would you think he
15 had something to hide?

16 PROSPECTIVE JUROR STERWERF: No.

17 MR. JACKSON: Would you judge him
18 differently versus him taking the stand
19 or not taking the stand?

20 PROSPECTIVE JUROR STERWERF: No.

21 MR. THARP: Mr. Williams, how are
22 you?

23 PROSPECTIVE JUROR WILLIAMS: Well.
24 How are you?

25 MR. JACKSON: Doing well. You have

1 a child at Xavier?

2 PROSPECTIVE JUROR WILLIAMS: I do.

3 MR. JACKSON: College.

4 PROSPECTIVE JUROR WILLIAMS:

5 Correct.

6 MR. JACKSON: Probably best we get
7 this out in the open now. I went to the
8 University of Cincinnati undergrad and
9 law school. You will not hold it against
10 me?

11 PROSPECTIVE JUROR WILLIAMS: I have
12 Bearcats in my family, too.

13 MR. JACKSON: You mention on your
14 statement that police officers have a
15 duty to serve and protect.

16 PROSPECTIVE JUROR WILLIAMS:
17 Correct.

18 MR. JACKSON: It seems -- I don't
19 want to put words in your mouth -- you
20 have a fairly favorable view of police
21 officers; is that fair to say?

22 PROSPECTIVE JUROR WILLIAMS: In
23 general, yes.

24 MR. JACKSON: Do you think that
25 police officers might, in instances, be

1 mistaken?

2 PROSPECTIVE JUROR WILLIAMS:

3 Absolutely.

4 MR. JACKSON: What if a police
5 officer sat in the witness chair and
6 testified and they told you something and
7 it didn't make sense to you. Would you
8 give the police officer the benefit of
9 the doubt because they are an officer?

10 PROSPECTIVE JUROR WILLIAMS: No.

11 MR. JACKSON: Why not?

12 PROSPECTIVE JUROR WILLIAMS: I am
13 not going to treat them different just
14 because they are a police officer. And
15 it would have to be based on facts.

16 MR. JACKSON: Have you, in your
17 experience, known police officers to be
18 wrong, not intentionally, but mistaken?

19 PROSPECTIVE JUROR WILLIAMS:

20 Personally?

21 MR. JACKSON: Yes.

22 PROSPECTIVE JUROR WILLIAMS: No.

23 MR. JACKSON: You think it could
24 happen?

25 PROSPECTIVE JUROR WILLIAMS: Sure.

1 MR. JACKSON: We are all human
2 beings.

3 PROSPECTIVE JUROR WILLIAMS: Right.

4 MR. JACKSON: I have to ask you
5 about your situation. Was that Hamilton
6 County?

7 PROSPECTIVE JUROR WILLIAMS: The
8 OVI, yes.

9 MR. JACKSON: Does that make you --
10 you don't need to tell me what happened.
11 I am not concerned about what happened
12 and the result. I am concerned about the
13 process. Do you feel the process was
14 fair to you?

15 PROSPECTIVE JUROR WILLIAMS: The
16 entire process from beginning to end?

17 MR. JACKSON: Yes.

18 PROSPECTIVE JUROR WILLIAMS: For
19 the most part.

20 MR. JACKSON: Sounds like there is
21 something you might have felt was not as
22 fair as should be.

23 PROSPECTIVE JUROR WILLIAMS: I
24 believe there were instances and language
25 used at different times from the

1 beginning to the end that could have been
2 presented in a different way to give a
3 better understanding of what was actually
4 being said.

5 MR. JACKSON: If that was done, in
6 your opinion, would that have made the
7 process more fair?

8 PROSPECTIVE JUROR WILLIAMS:
9 Perhaps.

10 MR. JACKSON: Who would you have
11 attributed that to, the officer or other
12 parties; prosecutor?

13 PROSPECTIVE JUROR WILLIAMS: The
14 arresting officer.

15 MR. JACKSON: Anything about that
16 experience that makes you feel like you
17 don't want to be involved on the jury
18 side of this case?

19 PROSPECTIVE JUROR WILLIAMS: No.

20 MR. JACKSON: Thank you, sir.
21 Ms. Felss, how are you?

22 PROSPECTIVE JUROR FELSS: Good.
23 How about you?

24 MR. JACKSON: Doing well.

25 Mr. Tharp said I don't know another

1 way to go through this. Apologize.

2 Everybody knows it is coming. You used
3 to work at Ethicon here in Hamilton
4 County?

5 PROSPECTIVE JUROR FELSS: Yes.

6 MR. JACKSON: Out in Blue Ash?

7 PROSPECTIVE JUROR FELSS: Blue Ash.

8 MR. JACKSON: Used to pass there.
9 What did you do for Ethicon?

10 PROSPECTIVE JUROR FELSS: I had
11 several roles, all of which were
12 department coordinators.

13 MR. JACKSON: Did you deal with
14 science or management?

15 PROSPECTIVE JUROR FELSS: More
16 management.

17 MR. JACKSON: Dealt with people?

18 PROSPECTIVE JUROR FELSS: Yes.

19 MR. JACKSON: Did you ever have to
20 make a determination of maybe two
21 different stories?

22 PROSPECTIVE JUROR FELSS: I was not
23 a supervisor. I was a coordinator.

24 PROSPECTIVE JUROR FELSS: Somebody
25 else had to deal with that stuff?

1 PROSPECTIVE JUROR FELSS: Yes.

2 MR. JACKSON: I don't envy those
3 people. You realize that's what we will
4 ask you to do here. Obviously, we
5 wouldn't be here if our story wasn't
6 different than the prosecutor's. You are
7 going to have to make some decisions.
8 Are okay with that?

9 PROSPECTIVE JUROR FELSS: Sure.

10 MR. JACKSON: What do you think you
11 would need to make a decision in this
12 case?

13 PROSPECTIVE JUROR FELSS:
14 Information.

15 MR. JACKSON: From?

16 PROSPECTIVE JUROR FELSS: From
17 those witnesses.

18 MR. JACKSON: You heard what I said
19 about the proof beyond a reasonable
20 doubt?

21 PROSPECTIVE JUROR FELSS: Correct.

22 MR. JACKSON: Are you able to say
23 there is some evidence presented but it
24 has not given me that feeling that I have
25 proof beyond a reasonable doubt.

1 PROSPECTIVE JUROR FELSS: Yes.

2 MR. JACKSON: If that happens, will
3 you find Mr. Glenn not guilty?

4 PROSPECTIVE JUROR FELSS: Yes.

5 MR. JACKSON: Thank you, ma'am.

6 Ms. Ramahi, did you ever teach
7 Spanish?

8 PROSPECTIVE JUROR RAMAHI: I
9 didn't. My kids.

10 MR. JACKSON: How are they? Do
11 they speak?

12 PROSPECTIVE JUROR RAMAHI: They
13 know colors, words.

14 MR. JACKSON: I know that, too.
15 Took it through high school, years of
16 college, still struggling.

17 On your questionnaire, I was trying
18 to listen when Mr. Tharp asked you. You
19 put you don't have members of your family
20 who are police officers -- strike that.
21 You are not related to any police
22 officers or prosecutors. You said, "They
23 are here to keep you safe."

24 PROSPECTIVE JUROR RAMAHI: Correct.

25 MR. JACKSON: Does that give them

1 extra credibility if they were to take
2 the stand?

3 PROSPECTIVE JUROR RAMAHI: I don't
4 think so.

5 MR. JACKSON: You also mention Mr.
6 Tharp did ask you about answers, if you
7 were being truthful.

8 PROSPECTIVE JUROR RAMAHI: Yes.

9 MR. JACKSON: Have you watched a
10 jury show on television?

11 PROSPECTIVE JUROR RAMAHI: I love
12 Law & Order.

13 MR. JACKSON: I don't know about
14 Mr. Tharp. I guess he did, but you grew
15 up on Law & Order. Only bad thing is
16 everybody got found not guilty on Law &
17 Order. That's not the truth. I found
18 maybe two people were found not guilty on
19 Law & Order. Law & Order -- obviously, I
20 love the show. You watch the regular --

21 PROSPECTIVE JUROR RAMAHI: I love
22 them all.

23 MR. JACKSON: I don't know all of
24 them. I know SVU. Regular Law & Order.
25 They usually don't show jurors

1 deliberating. What you will be called to
2 do I would say 99 times out of 100, there
3 is no issue. Are you able to sit back
4 and listen to your fellow jurors, offer
5 your opinions? Is that going to be
6 something that bothers you?

7 PROSPECTIVE JUROR RAMAHI: I can
8 certainly do that.

9 MR. JACKSON: You would like to
10 serve, if called to serve?

11 PROSPECTIVE JUROR RAMAHI: It is my
12 duty, yes.

13 MR. JACKSON: Thank you.

14 Ms. Harlow, how are you?

15 PROSPECTIVE JUROR HARLOW: Good.

16 MR. JACKSON: No one has accused me
17 of talking softly. I have a loud voice.
18 Only thing I may do is compensate, try to
19 keep it down, but I would always get in
20 trouble. My voice is loud. It carries
21 the most. With that said, are you able
22 to hear me okay this afternoon?

23 PROSPECTIVE JUROR HARLOW: Yes.

24 MR. JACKSON: You put you are a
25 retired postal service --

1 PROSPECTIVE JUROR HARLOW: I was.

2 MR. JACKSON: Did you serve in the
3 military also?

4 PROSPECTIVE JUROR HARLOW: No, I
5 did not.

6 MR. JACKSON: Where was most of
7 your postal service? Was that in
8 Cincinnati?

9 PROSPECTIVE JUROR HARLOW: Yes.

10 MR. JACKSON: Mr. Tharp pointed out
11 this idea of an indictment. I think he
12 stated, well, the formal charging
13 instrument, basically, says Mr. Glenn is
14 charged with trafficking and possession
15 of drugs.

16 You understand that?

17 PROSPECTIVE JUROR HARLOW: Yes.

18 MR. JACKSON: Do you understand by
19 virtue of him being charged, it does not
20 mean he has been convicted of anything?

21 PROSPECTIVE JUROR HARLOW: I
22 understand that.

23 MR. JACKSON: Do you understand if
24 the judge asks you now, Ms. Harlow, is
25 Mr. Glenn guilty or innocent, that you

1 would have to say he is innocent?

2 PROSPECTIVE JUROR HARLOW: Until
3 proven guilty.

4 MR. JACKSON: That is correct.
5 Thank you, Ms. Harlow.

6 Ms. Richter, how are you?

7 PROSPECTIVE JUROR RICHTER: Fine.
8 How are you?

9 MR. JACKSON: I am good.

10 PROSPECTIVE JUROR RICHTER: I am a
11 Bearcat.

12 MR. JACKSON: You don't have to be
13 with me. I would rather you not be
14 against me.

15 You are a teacher?

16 PROSPECTIVE JUROR RICHTER: Yes.

17 MR. JACKSON: What subjects do you
18 teach?

19 MR. JACKSON: Fifth grade, language
20 arts, reading, writing and social
21 studies.

22 MR. JACKSON: How long have you
23 been a teacher?

24 PROSPECTIVE JUROR RICHTER:
25 Twenty-two years.

1 MR. JACKSON: You mentioned there
2 is a civil suit involving your brother or
3 brother-in-law.

4 PROSPECTIVE JUROR RICHTER: My
5 brother in law sued my husband.

6 MR. JACKSON: Is that pending here
7 in Hamilton County?

8 PROSPECTIVE JUROR RICHTER: No,
9 Butler County.

10 MR. JACKSON: I was listening to
11 your answers, reading body language.
12 Have you ever been involved in a case in
13 Hamilton County?

14 PROSPECTIVE JUROR RICHTER: No,
15 never.

16 MR. JACKSON: I don't want to put
17 words in anybody else's mouth. Do you
18 feel this person, your husband's brother
19 is getting special treatment because he
20 is a police officer?

21 PROSPECTIVE JUROR RICHTER: Not
22 now, but at a point, yes.

23 MR. JACKSON: Does that color your
24 view of police officers, in general?

25 PROSPECTIVE JUROR RICHTER: My view

1 of them outside the work environment,
2 maybe taking advantage of the position
3 possibly, but not necessarily work.

4 MR. JACKSON: This is ancillary
5 benefits they get but not in relation to
6 what they do?

7 PROSPECTIVE JUROR RICHTER: Correct.

8 MR. JACKSON: Mr. Tharp said, as I
9 imagine the majority of the case is about
10 police officers and testifying, do you
11 think your issues with this officer will
12 make you somehow be biased against
13 officers that testify in this trial?

14 PROSPECTIVE JUROR RICHTER: I don't
15 think so. I have done a lot of thinking
16 and I don't think so.

17 MR. JACKSON: Did you hear what I
18 asked of Ms. Harlow about the -- let me
19 back up.

20 Has anyone served on Grand Jury
21 before? You understand the fact that he
22 is indicted does not mean anything has
23 been proven against him?

24 PROSPECTIVE JUROR RICHTER: Yes.

25 MR. JACKSON: Would you be fair

1 judging the evidence both for the State
2 and for Mr. Glenn?

3 PROSPECTIVE JUROR RICHTER: Yes.

4 MR. JACKSON: Mr. Standiford,
5 hello, again. You mention you have a BA
6 from UK. What was your field of study?

7 PROSPECTIVE JUROR STANDIFORD:
8 Psychology.

9 MR. JACKSON: Does that make you
10 think -- every once in a while I watch
11 Bill O'Reilly. Every once in a while
12 Bill O'Reilly has a body language expert
13 who is going to be a psychologist. Does
14 your field of study -- does that cause
15 you to believe you would be able to tell
16 whether somebody is lying or telling the
17 truth or not?

18 PROSPECTIVE JUROR STANDIFORD: No.

19 MR. JACKSON: Would that color in
20 any way your perception of evidence if a
21 witness takes the stand?

22 PROSPECTIVE JUROR STANDIFORD: No.

23 MR. JACKSON: Never served as a
24 juror?

25 PROSPECTIVE JUROR STANDIFORD: No,

1 I haven't.

2 MR. JACKSON: Have you ever been
3 involved in the court system with a loved
4 one arrested, a friend?

5 PROSPECTIVE JUROR STANDIFORD: No,
6 I haven't.

7 MR. JACKSON: Would you like to
8 serve on this jury?

9 PROSPECTIVE JUROR STANDIFORD: Yes.

10 MR. JACKSON: Thank you.

11 Hello, Ms. Wilcox. I think I asked
12 you, but if not, I get another chance.
13 You said you only testified four times.

14 PROSPECTIVE JUROR WILCOX: Four or
15 five times.

16 MR. JACKSON: Do you work with
17 police officers a lot?

18 PROSPECTIVE JUROR WILCOX: No.

19 MR. JACKSON: Do you work with them
20 at all?

21 PROSPECTIVE JUROR WILCOX: No.

22 MR. JACKSON: You deal with -- you
23 said you never testified in Juvenile
24 Court?

25 PROSPECTIVE JUROR WILCOX: Correct.

1 MR. JACKSON: Do you deal with
2 mostly adults, not children?

3 PROSPECTIVE JUROR WILCOX: Correct.

4 MR. JACKSON: Have you testified at
5 a criminal trial?

6 PROSPECTIVE JUROR WILCOX: Yes.

7 MR. JACKSON: Have you had a bad
8 experience with a criminal defense
9 attorney?

10 PROSPECTIVE JUROR WILCOX: No.

11 MR. JACKSON: We are nice people.
12 Have you had any bad experiences in the
13 court system at all?

14 PROSPECTIVE JUROR WILCOX: No.

15 MR. JACKSON: Nothing about having
16 to testify makes you hesitant to serve as
17 a juror?

18 PROSPECTIVE JUROR WILCOX: No.

19 MR. JACKSON: Mr. Tharp asked you
20 before, you mentioned -- I was trying to
21 get it down. There was some exchange
22 about whether you felt comfortable. Do
23 you feel you have a duty to serve as a
24 juror?

25 PROSPECTIVE JUROR WILCOX: Yes.

1 MR. JACKSON: Would you like to
2 serve here?

3 PROSPECTIVE JUROR WILCOX: Yes.

4 MR. JACKSON: Do you think you
5 could be fair to Mr. Tharp and myself and
6 my client?

7 PROSPECTIVE JUROR WILCOX: Yes.

8 MR. JACKSON: Ms. Johnson, how are
9 you?

10 PROSPECTIVE JUROR JOHNSON: Fine.

11 MR. JACKSON: Not going to hold it
12 against you. You go to Xavier?

13 PROSPECTIVE JUROR JOHNSON: Yes. I
14 am going to be transferring.

15 MR. JACKSON: Excellent. What is
16 your field of study?

17 PROSPECTIVE JUROR JOHNSON:
18 Criminal justice.

19 MR. JACKSON: One of your answers
20 said you had a teacher who was an
21 ex-police officer. How far have you gone
22 in criminal justice studies?

23 PROSPECTIVE JUROR JOHNSON: I am
24 about to be going into my junior year.

25 MR. JACKSON: Two years so far?

1 PROSPECTIVE JUROR JOHNSON: Yes.

2 MR. JACKSON: How does that
3 educational background affect how you
4 view this whole process?

5 PROSPECTIVE JUROR JOHNSON: I
6 pretty much have been learning. Nice to
7 see the action. But I wouldn't say it
8 would affect my decision. I kind of know
9 a little bit more what's going on.

10 MR. JACKSON: Does it surprise you
11 at all, this process, what you have seen
12 so far?

13 PROSPECTIVE JUROR JOHNSON: Yes.

14 MR. JACKSON: Do you have
15 aspirations, goals, to be a police
16 officer?

17 PROSPECTIVE JUROR JOHNSON: No.

18 MR. JACKSON: What is your intent
19 with your criminal justice degree?

20 PROSPECTIVE JUROR JOHNSON: To be
21 an attorney.

22 MR. JACKSON: Excellent.

23 PROSPECTIVE JUROR JOHNSON: I am
24 thinking about being an attorney.

25 MR. JACKSON: Okay. Does that --

1 will that affect you in any way?

2 PROSPECTIVE JUROR JOHNSON: No.

3 Because it is something that's in my mind

4 I want to do in the field of criminal

5 justice. Not sure what I will do with

6 it. I am weighing my options and reading

7 about things I could do in the field.

8 There is a certain thing I want to do.

9 MR. JACKSON: Have you ever
10 observed a courtroom before?

11 PROSPECTIVE JUROR JOHNSON: Yes.

12 MR. JACKSON: Where have you
13 observed? Here?

14 PROSPECTIVE JUROR JOHNSON: Yes.

15 MR. JACKSON: This courtroom?

16 PROSPECTIVE JUROR JOHNSON: Not
17 this one.

18 MR. JACKSON: Do you remember the
19 judge?

20 PROSPECTIVE JUROR JOHNSON: Dwayne
21 Mallory.

22 MR. JACKSON: Did you go to Bill
23 Mallory?

24 PROSPECTIVE JUROR JOHNSON: No.

25 MR. JACKSON: I know Dwayne. Bill

1 Mallory is more animated than other
2 judges. Dwayne Mallory is pretty
3 animated, too. Did that change your idea
4 what court is like, what it is like to be
5 a person charged with a crime, go in
6 front of a judge? How was that
7 experience?

8 PROSPECTIVE JUROR JOHNSON: It is
9 not like I was imagining.

10 MR. JACKSON: Depending what shows
11 you watch. You think you could be fair
12 to both sides of this case?

13 PROSPECTIVE JUROR JOHNSON: Yes.

14 MR. JACKSON: Thank you,
15 Ms. Johnson.

16 All right. Ms. Griffith, you have
17 not spoken at all. Where did you go to
18 school?

19 PROSPECTIVE JUROR GRIFFITH: U.C.

20 MR. JACKSON: You studied computer
21 programming?

22 PROSPECTIVE JUROR GRIFFITH: Yes.

23 MR. JACKSON: Now, Mr. Tharp asked
24 about what I can only describe as the CSI
25 effect. I think you mentioned you

1 watched it.

2 PROSPECTIVE JUROR GRIFFITH: I only
3 watched it a couple times.

4 MR. JACKSON: I will try to
5 summarize what he said. Essentially, he
6 made statements, cases don't always come
7 together like CSI, is the bottom line. I
8 think that's true. Would you agree there
9 has to be some evidence that the person
10 charged with a crime did a crime before
11 you were willing to convict?

12 PROSPECTIVE JUROR GRIFFITH: Yes.

13 MR. JACKSON: Do you know that
14 there are such things as fingerprints?

15 PROSPECTIVE JUROR GRIFFITH: Yes.

16 MR. JACKSON: DNA evidence?

17 PROSPECTIVE JUROR GRIFFITH: Yes.

18 MR. JACKSON: Those things are not
19 made up from the show. Those things
20 exist and there are people who can test
21 for them, serve them out, that kind of
22 thing?

23 PROSPECTIVE JUROR GRIFFITH: Yes.

24 MR. JACKSON: You said you were
25 called but never sat on a jury?

1 PROSPECTIVE JUROR GRIFFITH: That's
2 correct. I have been called about six
3 times but never made it this far.

4 MR. JACKSON: This is the first
5 time in the box?

6 PROSPECTIVE JUROR GRIFFITH: We
7 filed in and they settled before anything
8 happened.

9 MR. JACKSON: That happens. Does
10 that process, having been around, make
11 you not want to serve today or in this
12 case?

13 PROSPECTIVE JUROR GRIFFITH: No.

14 MR. JACKSON: Had any negative
15 effect on you?

16 PROSPECTIVE JUROR GRIFFITH: No.

17 MR. JACKSON: Thank you.

18 Mr. Flukman, I don't know what a civil
19 engineer does. Explain that to me.

20 PROSPECTIVE JUROR FLUKMAN: In
21 mine, I focused in on transportation. I
22 am a planning engineer for southwest
23 Ohio. I deal with interstates and
24 roadways.

25 MR. JACKSON: Your fault there is

1 all the construction on 75?

2 PROSPECTIVE JUROR FLUKMAN: Great
3 construction. Economic development.

4 MR. JACKSON: You mentioned you had
5 your car broken into.

6 PROSPECTIVE JUROR FLUKMAN: Yes.

7 MR. JACKSON: Did police come out
8 to investigate?

9 PROSPECTIVE JUROR FLUKMAN: They
10 came out. Called them. It took a while.
11 They finally came out.

12 MR. JACKSON: How did you feel
13 about that experience?

14 PROSPECTIVE JUROR FLUKMAN: It was
15 violating because they got hold of my
16 wife's purse. We found it strewn over
17 about a mile of roadway.

18 MR. JACKSON: Did the police, did
19 they dust for fingerprints, look for
20 evidence?

21 PROSPECTIVE JUROR FLUKMAN: They
22 dusted windows and doors for
23 fingerprints.

24 MR. JACKSON: Able to find anyone?

25 PROSPECTIVE JUROR FLUKMAN: No.

1 MR. JACKSON: Did that give you a
2 bad feeling about police?

3 PROSPECTIVE JUROR FLUKMAN: No.

4 MR. JACKSON: Was that here in
5 Hamilton County?

6 PROSPECTIVE JUROR FLUKMAN: Yes.

7 MR. JACKSON: You mentioned in
8 general comments about the proof beyond a
9 reasonable doubt. How do you feel about
10 that?

11 PROSPECTIVE JUROR FLUKMAN: If it
12 is evidence, it is proof of evidence
13 what's going on.

14 MR. JACKSON: Do you understand the
15 comparison between dependency court,
16 which is clear, convincing evidence, and
17 this court, which is proof beyond a
18 reasonable doubt?

19 PROSPECTIVE JUROR FLUKMAN: That's
20 what you described.

21 MR. JACKSON: Do you have -- do you
22 take any issue with my characterization
23 of that? Do you think that's an accurate
24 statement?

25 PROSPECTIVE JUROR FLUKMAN: I have

1 never been to dependency court. Hard to
2 see that bar is -- how far apart it is.

3 MR. JACKSON: Do you think you will
4 judge any person who takes the stand,
5 whether police officer or civilian, by
6 the same standard?

7 PROSPECTIVE JUROR FLUKMAN: I don't
8 understand the question.

9 MR. JACKSON: That was a bad
10 question. If a police officer were to
11 take the stand and you hear them testify,
12 what are some of the things you use to
13 judge whether they were telling the truth
14 or not?

15 PROSPECTIVE JUROR FLUKMAN: I have
16 to listen, see what the evidence is.

17 MR. JACKSON: If things they
18 testify to didn't jive with what you know
19 or other evidence, would you think that
20 officer may be mistaken?

21 PROSPECTIVE JUROR FLUKMAN: It
22 could. If not logical, there is a
23 question.

24 MR. JACKSON: Mr. White, how are
25 you, sir?

1 PROSPECTIVE JUROR WHITE: Good.

2 MR. JACKSON: We have spoken
3 before. I wanted to ask about some of
4 your answers to Mr. Tharp's questions.
5 Do you think it is important to serve on
6 a jury?

7 PROSPECTIVE JUROR WHITE: Just
8 being here, I feel more important but
9 before I came, I didn't think it
10 mattered. Being here and experiencing
11 the whole thing, I feel it is more
12 important because I think I might have
13 views other people might not, influence
14 judgment one way or another.

15 MR. JACKSON: Mr. Tharp read names
16 of officers and potential witnesses. You
17 have never, to your recollection, dealt
18 with those individuals?

19 PROSPECTIVE JUROR WHITE: No.

20 MR. JACKSON: Do you think you
21 could be fair and listen to what they had
22 to say?

23 PROSPECTIVE JUROR WHITE: Yeah, I
24 mean, just because somebody is a police
25 officer doesn't mean I hate them or

1 anything like that. But, like I said,
2 any profession, you will have people that
3 do things to an extreme and not as much
4 to an extreme, they follow rules to a "T"
5 so I wouldn't have a problem with
6 specific people, if they didn't do
7 anything towards me.

8 MR. JACKSON: Is it fair to say you
9 would be fair to any officer until they
10 showed you something otherwise? Is that
11 accurate?

12 PROSPECTIVE JUROR WHITE: That's
13 accurate.

14 MR. JACKSON: Judge, pass for
15 cause.

16 THE COURT: Thank you, Mr. Jackson.
17 Mr. Tharp, did you want to do
18 anything in regards to your previous
19 motion to the court?

20 MR. THARP: We withdraw our motion
21 for cause.

22 THE COURT: Thank you very much. I
23 appreciate that. Everybody okay? If you
24 need to do anything -- I got four kids
25 and four grandkids, too. You need to go

1 to the bathroom, let me know. Not a
2 problem. That's part of the game.

3 Mr. Tharp, you are up as far as
4 challenges. Any challenges?

5 MR. THARP: We would like to thank
6 and excuse Juror 6, Teresa Richter.

7 THE COURT: You are excused.

8 (Prospective Juror Richter was
9 excused and Prospective Juror Breiden
10 was seated.)

11 THE COURT: Deborah Breiden, step
12 up. Take that seat in the corner. I
13 would appreciate it.

14 Good afternoon. It is Deborah
15 Brieden?

16 PROSPECTIVE JUROR BRIEDEN: Yes.

17 THE COURT: Were you able to hear
18 the questions?

19 PROSPECTIVE JUROR BRIEDEN: I did.

20 THE COURT: Do you have any
21 questions, problems or concerns with
22 anything asked?

23 PROSPECTIVE JUROR BRIEDEN: No.

24 THE COURT: Do you know of any
25 reason why you could not sit on this jury

1 and be anything but a fair and impartial
2 juror?

3 PROSPECTIVE JUROR BRIEDEN: No.

4 THE COURT: Appreciate it.

5 Mr. Tharp.

6 MR. THARP: Good afternoon. How
7 are you?

8 PROSPECTIVE JUROR BRIEDEN: Good.

9 MR. THARP: Were you able to hear
10 all the many questions I asked the
11 prospective panel as well as defense?

12 PROSPECTIVE JUROR BRIEDEN: I did.

13 MR. THARP: Anything came to mind
14 you might need to add or popped into your
15 head?

16 PROSPECTIVE JUROR BRIEDEN: No.

17 MR. THARP: Did you hear defense's
18 explanation about clear and convincing
19 evidence versus reasonable doubt?

20 PROSPECTIVE JUROR BRIEDEN: I did
21 because I actually do deal with orphanage
22 PCC so I am at the lower level with drug
23 court.

24 MR. JACKSON: You are involved in
25 Children's Home?

1 PROSPECTIVE JUROR BRIEDEN: Correct.

2 MR. THARP: That's what you are
3 talking about?

4 PROSPECTIVE JUROR BRIEDEN: Yes.

5 MR. THARP: Dependency is covered
6 by Common Pleas Court in Ohio.

7 PROSPECTIVE JUROR BRIEDEN: I am in
8 Kentucky.

9 MR. THARP: Circuit Court over
10 there.

11 PROSPECTIVE JUROR BRIEDEN: I live
12 in Hamilton County.

13 MR. THARP: Everything is named
14 differently in every state. Here in
15 Hamilton County, that dependency is not a
16 criminal matter. That's why it is a
17 different level. Here at criminal trial,
18 it is reasonable doubt. A civil matter
19 is clear and convincing versus reasonable
20 doubt. That's the reason. Because of
21 those very important situations, it is a
22 much different thing. Understand?

23 PROSPECTIVE JUROR BRIEDEN: Yes.

24 MR. THARP: Great. You have never
25 been called as a juror before?

1 PROSPECTIVE JUROR BRIEDEN: I have
2 not.

3 MR. THARP: Some of the same
4 questions. You have never been involved
5 in the judicial system?

6 PROSPECTIVE JUROR BRIEDEN: My son
7 had a speeding ticket at 28. I think it
8 was 16. Went too fast. I had to file
9 small claims against somebody, won a
10 judgment. He hasn't paid.

11 My husband and I, we have rentals
12 so we have had to evict one of our
13 tenants one time. That was in Butler
14 County.

15 MR. THARP: Besides the speeding
16 tickets, those are different standards,
17 different situations.

18 PROSPECTIVE JUROR BRIEDEN: Yes.

19 MR. THARP: Able to separate those?

20 PROSPECTIVE JUROR BRIEDEN: Yes.

21 MR. THARP: Do you think it will or
22 will not create bias?

23 PROSPECTIVE JUROR BRIEDEN: Will
24 not.

25 MR. THARP: You believe you could

1 be a fair person based on your position
2 in court management? You deal with
3 people?

4 PROSPECTIVE JUROR BRIEDEN: Yes.

5 MR. THARP: Dealing with people,
6 you have to use common sense, whether
7 they are telling the truth, doing a good
8 job, correct?

9 PROSPECTIVE JUROR BRIEDEN: Correct.

10 MR. THARP: You will use those
11 skills here plus what the Judge says?

12 PROSPECTIVE JUROR BRIEDEN: Yes.

13 MR. THARP: If you stay on this
14 jury, what will you make your decision
15 based on?

16 PROSPECTIVE JUROR BRIEDEN: Based
17 on the testimony presented.

18 MR. THARP: Fair and impartial with
19 the State?

20 PROSPECTIVE JUROR BRIEDEN: Yes.

21 MR. THARP: Shouldn't say most
22 importantly, but you are a member of the
23 Royal Order of Police?

24 PROSPECTIVE JUROR BRIEDEN: Correct.

25 MR. THARP: What is that?

1 PROSPECTIVE JUROR BRIEDEN: They
2 support orphanages. It is a men's
3 organization but women have their
4 chapter, too. That's what we support
5 lodges across America. Kids who become
6 wards of the state can apply to go there
7 and, basically, raise them. In today's
8 terminology, we don't use orphanages.
9 Then you work your way up in degrees,
10 depending how far you want to do it.
11 That supports children.

12 MR. THARP: Always heard of that.
13 How long have you been doing that?

14 PROSPECTIVE JUROR BRIEDEN:
15 Seventeen years.

16 MR. THARP: Great. Thank you very
17 much. I appreciate it.

18 Pass for cause.

19 THE COURT: Thank you, Mr. Tharp.
20 Mr. Jackson.

21 MR. JACKSON: Good afternoon,
22 Ms. Brieden. I was trying to listen.
23 Did you say you do work in drug court?

24 PROSPECTIVE JUROR BRIEDEN: I
25 don't. I work in-home. We have

1 adolescent children, from 7 to 17, some
2 whom live with us at PCC. It started in
3 the early 1900s. We have a division
4 called our Champions Program. We have
5 social workers that deal with children
6 that come from drug court that could be
7 offensive. We are trying to keep them out
8 of trouble.

9 MR. JACKSON: You are not called
10 upon to testify in court?

11 PROSPECTIVE JUROR BRIEDEN: No.

12 MR. JACKSON: Do you work directly
13 with the children or children placed in
14 the home?

15 PROSPECTIVE JUROR BRIEDEN: I have
16 some interactions with them. I do their
17 billing. Everybody is a mentor of the
18 staff. I don't teach them. I am not a
19 residential therapist. I don't live in
20 the cottages with them. No, I don't do
21 that.

22 MR. JACKSON: You heard all the
23 stuff I asked the other members of the
24 jury. Anything come to mind you
25 disagreed with or had input on?

1 PROSPECTIVE JUROR BRIEDEN: No.

2 MR. JACKSON: You had to go through
3 the process of evicting one tenant?

4 PROSPECTIVE JUROR BRIEDEN: Correct.

5 MR. JACKSON: Did you go to court?

6 PROSPECTIVE JUROR BRIEDEN: I did.

7 MR. JACKSON: Butler County?

8 PROSPECTIVE JUROR BRIEDEN: Correct.

9 MR. JACKSON: Was the process
10 different than you thought it would be?
11 Was it, you know, surprising?

12 PROSPECTIVE JUROR BRIEDEN: It was.
13 We have never had to do it before.
14 Rewarding experience for my husband and
15 I. The sad thing is, the home we
16 purchased was from an estate. Person we
17 had to evict was his brother. Basically,
18 we did good cop/bad cop. I did bad cop.
19 It was his brother. Didn't want
20 animosity. I was the one -- I am on the
21 lease. It was a learning curve we had to
22 do. Everybody was friendly. His brother
23 was friendly, understood the whole
24 process. No negative experiences.

25 MR. JACKSON: Have you had any

1 issues, negative or positive, with police
2 officers?

3 PROSPECTIVE JUROR BRIEDEN: No. I
4 know a lot. My grandfather. All
5 retired. Within the group of friends, we
6 all came together. Things like that.

7 MR. JACKSON: Do you ever talk to
8 them about their work?

9 PROSPECTIVE JUROR BRIEDEN: No.

10 MR. JACKSON: You said they are
11 fire?

12 PROSPECTIVE JUROR BRIEDEN: They
13 are fire, but interactions with police
14 have a piece of land and camp out.
15 Outside of work, everybody is off duty.

16 MR. JACKSON: Anything about what
17 Mr. Tharp said, I said, made you not want
18 to serve this particular jury?

19 PROSPECTIVE JUROR BRIEDEN: No.

20 MR. JACKSON: Thank you, ma'am.

21 THE COURT: Pass for cause?

22 MR. JACKSON: Yes.

23 THE COURT: Mr. Jackson, you are up
24 as far as challenges.

25 MR. JACKSON: We would like to

1 thank and excuse Mr. Flukman.

2 THE COURT: Thank you for your
3 services. You are excused with our
4 thanks. Watch your step as you step out.
5 You are off tomorrow and Friday. Call
6 Friday to check when they may need you
7 again.

8 (Prospective Juror Flukman was
9 excused and Prospective Meshesha was
10 seated.)

11 THE COURT: For the record, it is
12 Seblewongel, Meshesha. Were you able to
13 hear the questions asked by the attorneys
14 as well as myself?

15 PROSPECTIVE JUROR SEBLEWONGEL: Yes.

16 THE COURT: Questions, problems
17 concerns with questions Mr. Tharp asked?

18 PROSPECTIVE JUROR SEBLEWONGEL: No.

19 THE COURT: Know of any reason you
20 could not sit on this jury and be
21 anything but fair an impartial juror?

22 PROSPECTIVE JUROR SEBLEWONGEL: No.

23 THE COURT: Thank you very much.
24 Mr. Tharp.

25 MR. THARP: Thank you, Your Honor.

1 Good afternoon, ma'am. You have lived in
2 Cincinnati. Years prior, where did you
3 live?

4 PROSPECTIVE JUROR SIBLEWONGEL:
5 Ethiopia.

6 MR. THARP: Fair to say English is
7 not your first language?

8 PROSPECTIVE JUROR SEBLEWONGEL: No.

9 MR. THARP: Fluent in English, no
10 problem?

11 PROSPECTIVE JUROR GRIFFITH: No.

12 MR. THARP: Ten years, I have to
13 ask. You are an accountant?

14 PROSPECTIVE JUROR SEBLEWONGEL: Yes.

15 MR. THARP: What type of
16 accountant?

17 PROSPECTIVE JUROR SEBLEWONGEL:
18 Corporate.

19 MR. THARP: I took accounting for a
20 bit. Didn't work with me.

21 PROSPECTIVE JUROR SEBLEWONGEL: Lot
22 of numbers.

23 MR. THARP: Never been a part of
24 the judicial system?

25 PROSPECTIVE JUROR SEBLEWONGEL: No.

1 MR. THARP: Most importantly, do
2 you think you would be a good juror? On
3 your questionnaire, you said, "Not sure."

4 PROSPECTIVE JUROR SEBLEWONGEL: No.

5 MR. THARP: How do you feel now?

6 PROSPECTIVE JUROR SEBLEWONGEL: No.
7 I feel I would be a good juror.

8 MR. THARP: Tell me why.

9 PROSPECTIVE JUROR SEBLEWONGEL: As
10 long as you provide the right facts. As
11 long as you provide the right evidence, I
12 definitely would be a good juror.

13 MR. THARP: If the State is short
14 of evidence, what would you do?

15 PROSPECTIVE JUROR SEBLEWONGEL: Not
16 sure. Show me the facts.

17 MR. THARP: If I don't prove
18 something, you cannot convict.

19 PROSPECTIVE JUROR SEBLEWONGEL: I
20 cannot convict.

21 MR. THARP: If the State does prove
22 something, if I don't prove anything, the
23 facts come out, but the State, if they
24 prove something, will you be able to
25 convict, be fair and impartial to both

1 parties?

2 PROSPECTIVE JUROR SEBLEWONGEL: Yes.

3 MR. THARP: Thank you.

4 Pass for cause.

5 THE COURT: Thank you.

6 Mr. Jackson.

7 MR. JACKSON: Good afternoon. May

8 I ask you to speak up a bit?

9 PROSPECTIVE JUROR SEBLEWONGEL:

10 Sure.

11 MR. JACKSON: I can hear you from
12 here. I don't know if the court reporter
13 is struggling. If you could make sure
14 she can hear you. She has to take down
15 everything you say.

16 was there anything I said you may
17 have taken some issue with?

18 PROSPECTIVE JUROR SEBLEWONGEL: No.

19 MR. JACKSON: Have you ever had a
20 friend or someone who has been involved
21 in the criminal justice system?

22 PROSPECTIVE JUROR SEBLEWONGEL: I
23 have a friend who had a DUI.

24 MR. JACKSON: How did that go?

25 PROSPECTIVE JUROR SEBLEWONGEL: I

1 think his case was thrown out.

2 MR. JACKSON: Here in Hamilton
3 County?

4 PROSPECTIVE JUROR SEBLEWONGEL: No,
5 Dayton.

6 MR. JACKSON: Did you go with that
7 friend to court?

8 PROSPECTIVE JUROR SEBLEWONGEL: No.

9 MR. THARP: You just knew that they
10 --

11 PROSPECTIVE JUROR SEBLEWONGEL: Yes.

12 MR. JACKSON: Was there anything
13 about their experience that made you have
14 some negative feelings towards police
15 officers?

16 PROSPECTIVE JUROR SEBLEWONGEL: No.

17 MR. JACKSON: Do you think you
18 could judge the credibility of a police
19 officer like everyone else?

20 PROSPECTIVE JUROR SEBLEWONGEL: Yes.

21 MR. JACKSON: Do you think they
22 deserve extra credibility points?

23 PROSPECTIVE JUROR SEBLEWONGEL: No.

24 MR. JACKSON: Is there anything
25 that would cause you to not want to serve

1 on this jury?

2 PROSPECTIVE JUROR SEBLEWONGEL: No.

3 MR. JACKSON: Thank you, ma'am.

4 Pass for cause.

5 THE COURT: Thank you, Mr. Jackson.

6 Mr. Tharp, we are to you as far as
7 challenges.

8 MR. THARP: At this time we would
9 like to thank and excuse Juror Number 12,
10 Melvin White.

11 THE COURT: Thank you for your
12 service. We appreciate you coming down.
13 Watch your step as you step out there.

14 (Prospective Juror White was
15 excused and Prospective Juror Salter
16 was seated.)

17 THE COURT: Good afternoon. Dante
18 Salter?

19 PROSPECTIVE JUROR SALTER: Yes,
20 sir.

21 THE COURT: Were you able to hear
22 the questions asked by the attorneys as
23 well as myself?

24 PROSPECTIVE JUROR SALTER: Yes,
25 sir.

1 THE COURT: Any questions, problems
2 or concerns with anything asked?

3 PROSPECTIVE JUROR SALTER: No, sir.

4 THE COURT: Know of any reason you
5 could not sit on this jury and be
6 anything but a fair and impartial juror?

7 PROSPECTIVE JUROR SALTER: No, sir.

8 THE COURT: Thank you very much.
9 Mr. Tharp.

10 MR. THARP: Good afternoon. How
11 are you doing today?

12 PROSPECTIVE JUROR SALTER: Pretty
13 good.

14 MR. THARP: Anything strike you,
15 anything go off in your mind, questions
16 you could hear?

17 PROSPECTIVE JUROR SALTER: No.

18 MR. THARP: You are a machinist?

19 PROSPECTIVE JUROR SALTER: Yes.

20 MR. THARP: Run a machine work tool
21 and die?

22 PROSPECTIVE JUROR SALTER: I run --
23 a mill operator and grinder.

24 MR. THARP: Years ago I worked in a
25 stamping factory. I am feeling the pain.

1 Some days I remember well. You never
2 served as a juror before?

3 PROSPECTIVE JUROR SALTER: No.

4 MR. THARP: Ever been called?

5 PROSPECTIVE JUROR SALTER: This is
6 the first time.

7 MR. THARP: When it said have you
8 or a member of your family been involved
9 in a crime, you wrote N/A.

10 PROSPECTIVE JUROR SALTER: I wasn't
11 sure. I mean family members have, but
12 not myself.

13 MR. THARP: They were involved with
14 the police or judicial system?

15 PROSPECTIVE JUROR SALTER: I was
16 involved in at least two myself.

17 MR. THARP: Not to embarrass you.

18 PROSPECTIVE JUROR SALTER: I was
19 out one night with friends and there was
20 an incident where me and a girl was
21 having words; me and my girlfriend. She
22 started arguing with me outside the club.
23 Police officer there told me get in my
24 car and leave. I got in my car to leave
25 and he got in his car, got behind me,

1 turned his lights on, so I stopped
2 immediately since I just got in the car,
3 put the car in park, got outside the car,
4 put my hands on the car because he
5 stopped me but he was rude. He threw my
6 license on the ground, he used profanity
7 towards me. He said I said "F" him,
8 which I didn't, and he was just -- he
9 used a lot of unnecessary language and
10 did a lot of unnecessary things in his
11 process. He gave me a disorderly conduct
12 ticket and I did nothing. That was like
13 one of my worse issues as far as the
14 police.

15 MR. THARP: So you had an incident.
16 Doesn't sound satisfactory?

17 PROSPECTIVE JUROR SALTER: It
18 wasn't satisfactory.

19 MR. THARP: To say the least, it
20 wasn't satisfactory. Is that the only
21 contact with the police?

22 PROSPECTIVE JUROR SALTER: I got a
23 speeding ticket when I wasn't speeding.
24 I was looking for an address. Police
25 officer pulled me over, said I was

1 speeding. I said, sir, I didn't agree
2 with him. He said I was speeding. I had
3 to accept it. I had to go to court. Way
4 he wrote it on the ticket, I got my court
5 date wrong. I had a break-in at my house
6 at night one day while I was at work.
7 Had a break-in. Came home to see about
8 the break-in. The police was at my
9 house, Cincinnati police.

10 MR. THARP: This is your home?

11 PROSPECTIVE JUROR SALTER: Yes.
12 When the house got broke into, I got off
13 work, came home and the police ran my
14 tags. When I pulled up and they seen I
15 had a warrant from Lockland, they
16 wouldn't let me see about anything
17 happened in my house. Put me in back of
18 the police car after they finished asking
19 me questions, would let me see about my
20 house. After they put me in the car,
21 they said they couldn't let me out.

22 MR. THARP: That stinks. Neither
23 of those were satisfactory?

24 PROSPECTIVE JUROR SALTER: No.

25 MR. THARP: Now, let's talk about

1 your house. Did they investigate that,
2 that you know of?

3 PROSPECTIVE JUROR SALTER: No, they
4 didn't.

5 MR. THARP: Was any closure?

6 PROSPECTIVE JUROR SALTER: No.

7 MR. THARP: Any suspect found?

8 PROSPECTIVE JUROR SALTER: No.

9 MR. THARP: Two incidences don't
10 sound happy. Have you ever seen an
11 incident where police did it correctly?

12 PROSPECTIVE JUROR SALTER: I run
13 into plenty of cops. I got pulled over
14 for running a stop sign.

15 MR. THARP: Rolling stop?

16 PROSPECTIVE JUROR SALTER: Yes,
17 rolling stop. I don't run into a lot of
18 decent police officers, but I don't blame
19 them for the bad. You got some bad, you
20 got some good. You can't put those
21 situations together.

22 MR. THARP: Based on your contacts,
23 I wouldn't be happy about -- you weren't
24 -- will you be able to hear the evidence
25 fairly and impartially or will you have a

1 bias?

2 PROSPECTIVE JUROR SALTER: I will
3 be able to hear it and judge it for what
4 it is.

5 MR. THARP: Beyond a reasonable
6 doubt, if the State provides evidence
7 that gentleman is guilty, will you be
8 able to convict him?

9 PROSPECTIVE JUROR SALTER: Yeah.

10 MR. THARP: Or yes?

11 PROSPECTIVE JUROR SALTER: Sure.
12 Yes.

13 MR. THARP: Okay. If you don't, I
14 understand. We are not going to go
15 there. You said earlier you believe you
16 would be a good juror. What do you
17 think?

18 PROSPECTIVE JUROR SALTER: I feel I
19 would.

20 MR. THARP: Tell me why.

21 PROSPECTIVE JUROR SALTER: Well,
22 the way I was thinking about it when I
23 answered the question, more or less not
24 knowing what I was getting into, so there
25 was doubt. But if all the evidence is

1 there, I would be able to do what I need
2 to.

3 MR. THARP: What do you feel you
4 need to do?

5 PROSPECTIVE JUROR SALTER: I feel
6 like I need to be able to know the
7 difference between the truth and a lie.

8 MR. THARP: How will you be able to
9 tell that?

10 PROSPECTIVE JUROR SALTER: By the
11 evidence, questions I guess, you guys
12 ask.

13 MR. THARP: Not so much questions;
14 more, the answers, correct?

15 PROSPECTIVE JUROR SALTER: Ask
16 questions, you get answers.

17 MR. THARP: Depends. Do you think
18 you could be fair and impartial for the
19 State?

20 PROSPECTIVE JUROR SALTER: Yes.

21 MR. THARP: Thank you.

22 Pass for cause.

23 THE COURT: Thank you.

24 Mr. Jackson.

25 MR. JACKSON: Good afternoon. How

1 are you?

2 PROSPECTIVE JUROR SALTER: Doing
3 well. How about yourself?

4 MR. JACKSON: Pretty good. did you
5 hear what I asked the other members of
6 the panel?

7 PROSPECTIVE JUROR SALTER: Yes,
8 sir.

9 MR. JACKSON: I wanted to ask
10 specifically about whether there is any
11 set of facts or circumstances presented
12 to you, you say you did something you
13 didn't do?

14 PROSPECTIVE JUROR SALTER: I would
15 say yes.

16 MR. JACKSON: What would those
17 circumstances be?

18 PROSPECTIVE JUROR SALTER: Like the
19 other gentleman stated, when you are
20 doing court, for instance, when you are
21 in court, there are a lot of things that
22 happen. You hear so many different
23 things. You have one person telling you
24 one thing, another person telling you
25 another thing. If they hit you with a

1 deal and they tell you after they give
2 you this deal, they tell you if you don't
3 accept this deal, there is a possibility
4 that you will get such and such amount of
5 time, that scares a person. They telling
6 you, you do fifteen years but you take
7 this plea, you will get four to five
8 years, something like that, that will
9 make you turn your judgment.

10 MR. JACKSON: You could see a
11 person saying that they did something to
12 avoid those consequences or much worse
13 consequences; is that fair to say?

14 PROSPECTIVE JUROR SALTER: Yes.

15 MR. JACKSON: Have you had friends
16 or relatives involved in the criminal
17 justice system?

18 PROSPECTIVE JUROR SALTER: Yes,
19 sir.

20 MR. JACKSON: Have any of those
21 experiences caused you to have a negative
22 feeling about this process?

23 PROSPECTIVE JUROR SALTER: No.

24 MR. THARP: You mentioned the
25 officer. I think you were candid. There

1 are some good officers and some bad?

2 PROSPECTIVE JUROR SALTER: Yes.

3 MR. JACKSON: Do you think you
4 could be fair, listen to the police
5 officers who testify in this instance?

6 PROSPECTIVE JUROR SALTER: Most
7 definitely.

8 MR. JACKSON: Pass for cause.

9 THE COURT: Mr. Jackson, you are up
10 as far as challenges.

11 MR. JACKSON: We would like to
12 thank and excuse Ms. Brieden.

13 PROSPECTIVE JUROR BRIEDEN: You are
14 excused with our thanks.

15 Mr. Showalter.

16 (Prospective Juror Brieden was
17 excused and Prospective Juror Showalter
18 was seated.)

19 THE COURT: Thank for your service.
20 Hope you make it on another case. Thank
21 you for coming down. Were you able to
22 hear the questions that were asked by
23 myself and the attorneys?

24 PROSPECTIVE JUROR SHOWALTER: Yes.

25 THE COURT: Any questions, problems

1 or concerns with any of the questions
2 asked?

3 PROSPECTIVE JUROR SHOWALTER: No.

4 THE COURT: Know of any reason
5 whatsoever why you could not sit on this
6 jury and be anything but a fair and
7 impartial juror?

8 PROSPECTIVE JUROR SHOWALTER: No.

9 THE COURT: Thank you very much. I
10 appreciate it.

11 Mr. Tharp.

12 MR. THARP: Good afternoon. Seat
13 six has become the hot seat.

14 You served as a juror 2001 Butler
15 County?

16 PROSPECTIVE JUROR SHOWALTER:
17 That's correct.

18 MR. THARP: Criminal case?

19 PROSPECTIVE JUROR SHOWALTER: Yes.

20 MR. THARP: Separate, different
21 from this matter. Do you think that case
22 will have any bias for you?

23 PROSPECTIVE JUROR SHOWALTER: No.

24 MR. THARP: Do you think it might
25 help that you have gone through things

1 before?

2

3 PROSPECTIVE JUROR SHOWALTER: I
4 don't know it will necessarily help me.
5 I understand the routine.

6 MR. THARP: Are you comfortable
7 being here?

8 PROSPECTIVE JUROR SHOWALTER:
9 Yes, sir.

10 MR. THARP: Based on that
11 experience, do you want to be on this
12 jury?

13 PROSPECTIVE JUROR SHOWALTER:
14 Everyone has a compulsion to want
15 to be on a jury.

16 MR. THARP: Are you comfortable
17 being here?

18 PROSPECTIVE JUROR SHOWALTER: Yes.

19 MR. THARP: You have been involved
20 in a civil matter, not a criminal matter;
21 is that correct?

22 A civil matter has completely
23 different rules. Understand?

24 PROSPECTIVE JUROR SHOWALTER: Yes.

25 MR. THARP: As the Judge said, you

1 were able to hear prior questions and
2 discussions?

3 PROSPECTIVE JUROR SHOWALTER: Yes.

4 MR. THARP: Anything come to mind?

5 PROSPECTIVE JUROR SHOWALTER: No.

6 MR. THARP: What do you do?

7 PROSPECTIVE JUROR SHOWALTER:

8 Environmental safety health

9 specialist for an aerospace company.

10 MR. THARP: As part of that, do you
11 work with other people?

12 PROSPECTIVE JUROR SHOWALTER: From
13 the Department of Safety.

14 MR. THARP: Supervisory position?

15 PROSPECTIVE JUROR SHOWALTER: Yes.

16 MR. THARP: So you work well with
17 others, would you say?

18 PROSPECTIVE JUROR SHOWALTER: Yes.

19 MR. THARP: Would they say that?

20 PROSPECTIVE JUROR SHOWALTER: I
21 believe so. Try to take their best
22 interest at heart, thinking about issues
23 of safety.

24 MR. THARP: Think you would be okay
25 working with a group of people in a

1 setting such as this?

2 PROSPECTIVE JUROR SHOWALTER: Yes.

3 MR. THARP: Making important
4 decisions?

5 PROSPECTIVE JUROR SHOWALTER: Yes.

6 MR. THARP: Do you believe you
7 would be good? You served as a juror
8 before?

9 PROSPECTIVE JUROR SHOWALTER: Yes.

10 MR. THARP: Will you be fair and
11 impartial to both the State and the
12 defense?

13 PROSPECTIVE JUROR SHOWALTER: Yes.

14 MR. THARP: Thank you very much.

15 Pass for cause, Your Honor.

16 THE COURT: Thank you.

17 Mr. Jackson.

18 MR. JACKSON: Good afternoon,
19 Mr. Showalter. If I understand your
20 answer, you said you have a grandfather,
21 two uncles and three cousins --

22 PROSPECTIVE JUROR SHOWALTER: Who
23 are police officers.

24 MR. JACKSON: Are they local?

25 PROSPECTIVE JUROR SHOWALTER:

1 Perkins Burg, West Virginia. Two
2 are deceased and three of them are
3 retired.

4 MR. JACKSON: Safe to say you have
5 a favorable attitude towards police
6 officers?

7 PROSPECTIVE JUROR SHOWALTER: I
8 have not had any negative experience with
9 police officers.

10 MR. JACKSON: Do you think it is
11 possible you could, in some form or
12 fashion?

13 PROSPECTIVE JUROR SHOWALTER: Have
14 a negative connotation? I think anyone
15 could.

16 MR. JACKSON: I guess a more
17 specific way of asking the question is,
18 does your familial relationship with
19 these officers sway you one way or the
20 other towards police officers, in
21 general?

22 PROSPECTIVE JUROR SHOWALTER: The
23 way my cousins grew up, I am not sure.

24 MR. JACKSON: Went to high school
25 with a lot of police officers.

1 Questionable stuff they didn't report.
2 The bottom line is, would you judge any
3 police officer like you would judge
4 anyone else on the witness stand?

5 PROSPECTIVE JUROR SHOWALTER: Yes.

6 MR. JACKSON: Let's talk about the
7 obscenity trial in Butler County. I
8 don't need to know the details, but was
9 it a video store situation or an
10 individual?

11 PROSPECTIVE JUROR SHOWALTER: It
12 was an individual that owned an adult
13 video store that was accused of selling
14 obscenity.

15 MR. JACKSON: I will tiptoe into
16 this lightly. Was it regular obscenity
17 or was it illegal activity or more adult
18 pornographic material? Let me tell you
19 why I am asking. We, in our fair county,
20 had issue of charges people selling adult
21 movies that are not necessarily illegal
22 but there are laws against them. Was it
23 like that, or something worse?

24 PROSPECTIVE JUROR SHOWALTER: No,
25 it was more along those lines. The

1 underlying situation where an individual
2 went in and purchased -- used his
3 father's identity and credit card in
4 order to purchase and they turned that
5 evidence over to the police and used that
6 individual in order to bring charges
7 against the store.

8 MR. JACKSON: Like a sting
9 operation?

10 PROSPECTIVE JUROR SHOWALTER: I
11 would assume you might call it that.

12 MR. JACKSON: Did you sit and hear
13 the entire trial?

14 PROSPECTIVE JUROR SHOWALTER: Yes,
15 I did.

16 MR. JACKSON: How did you feel
17 about the process? Was it surprising to
18 you the way things were handled?

19 PROSPECTIVE JUROR SHOWALTER: I
20 think the biggest impact I had was from
21 the juror process. We were given
22 instructions by the Judge as to what the
23 law was in the State of Ohio. Then we
24 had to apply that to the information
25 presented to us.

1 MR. JACKSON: Did you feel you were
2 able to do that?

3 PROSPECTIVE JUROR SHOWALTER:
4 Absolutely.

5 MR. JACKSON: Did you have strong
6 feeling, positive or negative, about the
7 attorneys, prosecutor or defense
8 attorney?

9 PROSPECTIVE JUROR SHOWALTER: No.

10 MR. JACKSON: Did you think
11 everybody -- in your opinion, were the
12 people involved professionals?

13 PROSPECTIVE JUROR SHOWALTER: Yes.

14 MR. JACKSON: There are times I
15 talk to some jurors where they half
16 expect one of us, usually me, to yell at
17 people, do stuff like that. That
18 generally doesn't happen. Did you see
19 any of that out there?

20 PROSPECTIVE JUROR SHOWALTER: No.

21 MR. JACKSON: Nothing about that
22 process causes you to want to get off
23 this jury and not serve?

24 PROSPECTIVE JUROR SHOWALTER: No.

25 MR. JACKSON: Thank you.

1 THE COURT: Mr. Tharp, back to you.

2 MR. THARP: State would like to
3 excuse Dante Salter. Thank you for
4 coming down. Thank you very much.

5 THE COURT: Let the record reflect
6 a sidebar outside the presence of the
7 jury.

8 (Discussion was held at sidebar.)

9 MR. JACKSON: I would like to make
10 a challenge under Batson vs. Kentucky
11 based on the fact that Prosecutor Tharp
12 has excused Dante Salter. Dante Salter
13 is the second African-American man and
14 the only one in the veneer that we have
15 that was left.

16 Previously, Mr. Tharp excused
17 Melvin White, also an African-American
18 man. There are only two African
19 Americans on the jury, as we speak.
20 There are no more in the jury panel. I
21 argue it violates the Supreme Court
22 ruling.

23 MR. THARP: I ask Mr. Salter be
24 excused at this point.

25 THE COURT: You are saying the

1 State exercised a peremptory challenge on
2 the basis of race?

3 MR. JACKSON: Correct.

4 THE COURT: Ask you, Mr. Tharp, did
5 you want to say anything?

6 MR. THARP: I would point out that
7 there are two African Americans currently
8 on the veneer; Michelle Wilcox and Jamaya
9 Johnson. That would say Mr. White as
10 well as Mr. Salter, they gave answers
11 that the State would believe would
12 indicate a bias against police officers
13 in that both instances the prosecutor
14 never asked whether those officers
15 happened to be, what their race was.
16 This case, there is no indication at all
17 that there was bias towards a particular
18 officer but against officers. Mr. Salter
19 described several instances -- he did not
20 list at all -- the jury questionnaire, as
21 a matter of fact, I had to point out on
22 number ten, have you or a member of your
23 family been charged with a crime?
24 Explained he would put down N/A, not
25 applicable. I questioned him. He was

1 not forthcoming in his questionnaire. He
2 described several situations that were
3 unsatisfactory with the police. He
4 himself said there are many officers that
5 are bad.

6 Based on that, I had the direct
7 feeling with him not being forthcoming on
8 his questionnaire, his description of
9 events that occurred, we felt he was
10 unfit at that time to remain on the
11 veneer. That's why we used our
12 peremptory, not based on race. It was
13 based on his answers given during Voir
14 Dire.

15 MR. JACKSON: I would respond
16 Mr. Salter, as I recall, testified there
17 were some very bad officers and very good
18 officers, which I think most normal
19 situations, I think any individual, no
20 matter what their race or wherever they
21 are from, would have to agree with that
22 as a general statement, based especially
23 upon media, news reports. I would argue
24 that he didn't express bias one way or
25 the other towards police or anything

1 else. Therefore, the second
2 African-American excused from the jury
3 and we have no others in the veneer.

4 THE COURT: It is not my job to
5 determine what constitutes -- it appears
6 there are two black jurors on the jury.
7 I am not sure what Ethiopian -- I don't
8 know. That's why this is challenging to
9 me. Be that as it may, I will overrule
10 your Batson. You must offer a
11 race-neutral explanation. Your Batson
12 challenge does not need to rise to the
13 level justifying challenge for cause. I
14 believe the explanation offered by the
15 State is race neutral. Therefore, I
16 overrule the Batson challenge.

17 Anything further?

18 MR. THARP: Nothing.

19 MR. JACKSON: Nothing.

20 THE COURT: Let's wrap it up. Call
21 it a day. Start with who we put over
22 there. Start with him tomorrow.

23 MR. THARP: Ms. Gloria Miller. I
24 think we should walk her in.

25 THE COURT: I will call her in and

1 call it a day.

2 Gloria Miller, could you take that
3 seat over there, please.

4 (Prospective Juror Gloria Miller
5 was seated.)

6 THE COURT: Your name is Gloria
7 Miller?

8 PROSPECTIVE JUROR MILLER: Yes.

9 THE COURT: Were you able to hear
10 the questions asked by myself as well
11 as the attorney?

12 PROSPECTIVE JUROR MILLER: Yes.

13 THE COURT: Do you have any
14 questions, problems or concerns with the
15 questions asked?

16 PROSPECTIVE JUROR MILLER: No.

17 THE COURT: Do you know of any
18 reason you could not sit on this jury and
19 be anything but a fair and impartial
20 juror?

21 PROSPECTIVE JUROR MILLER: No.

22 THE COURT: With that, we will call
23 it a day. Part of the reason I was
24 trying to hustle is anybody I excused
25 didn't have to come back tomorrow.

1 Unfortunately, you guys are left. As you
2 can see, we are picking two alternates.
3 At least two will be on. May have more.
4 We need everybody back tomorrow.
5 Appreciate your hard work. Nice of you.
6 Doing a great job.

7 If everybody could come back
8 tomorrow. 11 o'clock is when we can get
9 started. If you don't mind, be here a
10 couple minutes before 11 o'clock. As far
11 as the process, we will go to 1 o'clock.
12 I will take a short break to run
13 downstairs five to ten minutes. I was
14 close today to take care of my fellow
15 Judge's situation. We will go from 1
16 o'clock. We will take a break from 1:00
17 to 2:00 for lunch. For everybody on the
18 jury, again, to no later than 4:30. So
19 come back to my jury room. Go upstairs,
20 if you come down earlier, computers,
21 stuff, want to watch TV, you are welcome
22 to do that. Now you are with me, Judge
23 Dinkelacker, until excused or told
24 otherwise. Room 360.

25 Do not discuss this case among

1 yourselves. Do not permit anyone to
2 discuss it with you or in your presence.
3 It is your duty to not form or express an
4 opinion on the case until it is submitted
5 to you. We are not close to that at this
6 point. You know what's going to happen.
7 Human nature. Go home tonight. What are
8 you doing there? Well, I will be on a
9 case. That's about it. Blame it on me.
10 The Judge warned me very sternly. You
11 are not to discuss the case. It is
12 important. We don't want somebody at
13 your house influencing you in any way.
14 They are not going to be here to watch
15 this whole thing. They are not going to
16 make the decision. You are. Need to
17 forget about the case. Tell them you
18 will tell them about it when it is over.
19 But for now, please remember, don't talk
20 to anybody about this case. Everybody
21 okay? There are a lot of admonitions.
22 If you want to bring something to drink,
23 you are welcome to do that. I shy away
24 from food. If you have a medical
25 situation and need food, that's fine.

1 cell phones -- no cell phones as far as
2 taking any pictures, recording or check
3 things on your phone. You can't do that
4 in regards to the case. What I don't
5 want to do is say you can't bring your
6 cell phone in here. There are emergency
7 situations where you need that had an
8 actual experience of that. But don't
9 look anything up. Don't use cell phones
10 while here to do anything as far as this
11 case or ever.

12 Other than that, you can bring it
13 in. I don't think any of this will be in
14 the news. If something would happen with
15 the news, turn off or don't look away.
16 If there is something, report to us
17 tomorrow.

18 Everybody okay? Before we break,
19 anything for the record?

20 MR. THARP: Nothing.

21 THE COURT: Mr. Jackson?

22 MR. JACKSON: Nothing, Your Honor.

23 THE COURT: Thank you for your
24 service. You are excused. See you
25 tomorrow at 11:00.

1 (Prospective jurors were excused.)

2

3 THE COURT: Please be seated for a
4 second. Let the record reflect the jury
5 left the courtroom.

6 Anything for the record?

7 MR. THARP: Nothing.

8 THE COURT: Mr. Jackson?

9 MR. JACKSON: No, Your Honor.

10 THE COURT: Be here tomorrow at
11 11:00 o'clock. We will start with you
12 questioning Ms. Gloria Miller.

13 Thanks for your patience,
14 everybody.

15 (Proceedings adjourned.)

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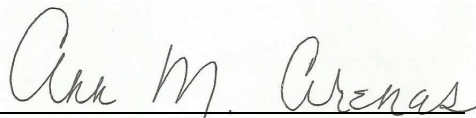
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1 CERTIFICATE

2 I, Ann Marie Arenas, RPR, the
3 undersigned, an Official Court Reporter for the
4 Hamilton County Court of Common Pleas, do
5 hereby certify that at the same time and place
6 stated herein, I recorded in stenotype and
7 thereafter transcribed the within 161 pages,
8 and that the foregoing Transcript of
9 Proceedings is a true, complete, and accurate
10 transcript of my said stenotype notes.

11 IN WITNESS WHEREOF, I hereunto set my
12 hand this 28th day of October, 2015.

13
14 

15 Ann Marie Arenas, RPR
16 Official Court Reporter
17 Court of Common Pleas
18 Hamilton County, Ohio
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